

A Concise Guide to Rhode Island's Consent Decree

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ADA Title II and the Olmstead Integration Mandate: DOJ Findings

- Major implications for services furnished to people with disabilities by public entities
- The U.S. Supreme Court has held that the unjustified isolation of people with disabilities by State and local governments constitutes discrimination under Title II of the ADA.
- The civil rights of persons with disabilities are violated by public services that result in unnecessary segregation in a wide variety of nonresidential settings, including segregated employment, vocational and day programs.
- DOJ Findings: *"In spite of the State's significant commitment to ensuring that people can live in integrated settings, thousands of individuals still spend the majority of their daytime hours in segregated sheltered workshops and facility based day programs even though there are capable of and want to receive employment and day services in the community."*

Consent Decree

- Identifies the specific actions the State agreed to take to resolve DOJ's findings that RI violated Title II of the ADA, as interpreted by the U.S. Supreme Court's Olmstead Ruling
 - Failing to serve people with IDD in the most integrated day service settings appropriate to their needs
 - Placing transition age youth at serious risk of segregation *as they move into the adult system*

Three Target Populations

1. Individuals with IDD in sheltered workshops;
2. Individuals with IDD in facility-based day programs;
3. Youth with IDD transitioning from secondary school to adult services.

Consent Decree Provisions Address

- Integrated supported employment and placement targets
- Integrated day services and placement
- Transition age youth
- Consistent definitions
- Career development planning
- Benefits planning
- Training
- Outreach Education and Support
- Provider Capacity
- Interagency collaboration
- Funding
- Quality improvement
- Data collection and monitoring

Employment and Day Services

Finding: Over-reliance on segregated models

- **80%** (2,700) of people with IDD were served in segregated sheltered workshops or facility-based day programs

While only

- **12%** (385) individuals in individualized integrated employment.
- Workshop placements were long term: 46%>10 years; 34%> 15 years.
- Average wage \$2.21/hour

Remedy: 10 year sustained commitment by the State

- Provide relief to 3,200 people with IDD receiving state funded services
- Supported employment placements to 2,000
 - 700 from sheltered workshops
 - 950 from facility based non-work programs
 - 300-350 students in transition from school

People receiving supported employment must:

- Be paid at minimum wage or above
- Work maximum hours consistent with the person's abilities and preferences
- Be able to interact with nondisabled co-workers to the fullest extent possible
- As a group, work an average of 20 hours per week
- Be provided with integrated non-work services during times when the individual is not working
- Have access to work and non-work supports totaling 40 hours per week

Transition Age Youth

Finding: Risk of unnecessary segregation

- Between 2010 and 2012 only **5%** of youth with IDD transitioning from school entered integrated employment

Remedy: Change State policy and practice

- Transition services will be provided to **1,250** youth with IDD 14-21 years of age
- RIDE will adopt and implement an Employment First policy for youth in transition
- Additional requirements:
 - School to work transition planning with benchmarks and timelines
 - The provision of integrated vocational and situational assessments, trial work experiences and other services leading to employment following exit from school

Additional State Actions Required by the Consent Decree

Outreach, Education and Support:

- Develop an outreach, in-reach and education program to explain supported employment benefits to families and address their concerns
- Create an *Employment First Task Force* of stakeholders, advocates, business leadership networks, individuals with IDD and family representatives

Expand Provider Capacity:

- Create a [Sheltered Workshop Conversion Institute](#) to assist sheltered workshop providers to convert to the delivery of supported employment services.
- Establish a sheltered workshop [Conversion Trust Fund of \\$800,000](#) to assist with upfront start-up costs of conversion and the development of supported employment services.
- Secure contractors to provide [training and technical assistance](#) to employment and day services providers and to state staff.

Interagency Collaboration

- The state will develop **interagency agreements** among state agencies: BHDDH, ORS and RIDE to implement the Consent Decree
 - ✓ Allocation of responsibility, funding, data collection, quality improvement and others
 - ✓ Coordination of outcomes and activities
 - ✓ Coordination of out-reach and in-reach efforts

Funding

- The state will reallocate current sheltered workshop and segregated day program resources to fund supported employment and/or integrated day services as the person transitions from segregated to integrated service settings.
- The State will ensure that each individual in the target population has an allocation to support his or her employment and access to integrated day services
- The state will ensure that its funding methodology for day activity services is sufficiently flexible to allow reimbursement for costs:
 - Transportation,
 - Employer negotiation and
 - Counseling clients by phone
 - Other related non face to face supported employment related activities.

State Actions cont'd.

Quality Assurance

- Implementation of a statewide quality improvement initiative
- Regular on-site reviews of day activity services and programs
- Published reports identifying findings, recommendations, program deficiencies and the need for a plan of correction

Data Collection and Monitoring

- Data is required to be gathered and reported on 44 separate data points and employment related activities
- Compliance with the consent decree will be overseen by a monitor jointly selected by the parties.

Final Thoughts

- Through the Consent Decree, RI has agreed to take a number of specific actions over a 10 year period to ensure people with IDD have access to employment supports across departments and activities
- Consent Decree goals, objectives and performance benchmarks have received support from people with disabilities, state agency staff, providers and stakeholders who report that with sufficient resources the outcomes can be achieved.
- The challenge lies in the converting support for conceptual change into the concrete actions involved in doing things a different way.

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