

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

UNITED STATES OF AMERICA
Plaintiff

v.

**STATE OF RHODE ISLAND and
CITY OF PROVIDENCE**
Defendants

C.A. No. 13-442

**COURT MONITOR'S FINAL REPORT ON THE CITY OF
PROVIDENCE PUBLIC SCHOOL DISTRICT'S SUBSTANTIAL
COMPLIANCE WITH THE
INTERIM SETTLEMENT AGREEMENT**

August 20, 2019

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EXECUTIVE SUMMARY

This Final Report of the Court Monitor finds that the City of Providence Public Schools Department (PPSD) has met and is in substantial compliance with the requirements set forth by the Interim Settlement Agreement (ISA) between the United States and the State of Rhode Island and the City of Providence (*U.S. v. the State of Rhode Island and the City of Providence Case No. 13-442*). The City of Providence requested an early termination of its participation in the ISA consistent with the procedures and provisions set forth in ISA §XIX(1)-(4). Accordingly, this report focuses exclusively on the extent to which the City is substantially complying with the terms of the agreement. Provisions and requirements that are the responsibility of the State are referenced but are not included in this review.

Immediately following the signing of the ISA, the City of Providence initiated the development and subsequent implementation of a comprehensive plan to change the structure and functioning of its educational services and systems of support for individuals with intellectual and/or developmental disabilities (IDD) as required by the comprehensive settlement agreement. The City ended its operation of the sheltered workshop at the Birch Vocational Training Program at Mt. Pleasant High School, segregated programs were dissolved, the curriculum was rewritten and, with the goal of shifting all services and supports to integrated educational and community-based models, the administration took decisive steps to realign and empower the management and oversight of educational services for students with IDD.

During the assessment process the City's compliance with two performance benchmarks concerning the delivery of transition planning services and related supports to members of the Birth Transition Target Population were noted with respect to ISA Sections VIII(3)(c) and VIII(6) (see below). These violations were not deemed to be minor or occasional, but the remedy in each case was clear and straightforward. In response, the City took immediate and appropriate actions to address each deficiency. As a result, based on the findings of this review it is the opinion of the Court Monitor that enduring compliance with all provisions of the ISA has been attained.

I. INTRODUCTION

A. Determining Substantial Compliance

The Interim Settlement Agreement (ISA) resolves the United States Department of Justice' (United States) findings of violations by the State of Rhode Island and the City of Providence of Title II of the Americans with Disabilities Act (ADA) 42 U.S.C. § 12131, et seq., as interpreted by the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), by discriminating against individuals with intellectual and developmental disabilities (IDD) through the administration and operation of the publicly funded day activity services system for people with IDD, with respect to employment, vocational, and day services (46-1-14 R.I. Code R. § 43.0). The agreement pertains solely to day and employment services furnished to people with IDD by two programs, Training Thru Placement (TTP) and the Harold A. Birch Vocational Program (Birch) at Mount Pleasant High School, as well as any successor programs. The implementation of the ISA began on execution on June 12, 2013 with the expectation that the State and the City would have substantially complied with all provisions of the Agreement by July 1, 2020.

The City of Providence requested an early termination of its participation in the ISA consistent with the procedures and provisions set out in ISA §XIX(1)-(4). "Substantial compliance is achieved where the State and City have implemented all of the provisions of the Interim Settlement Agreement for all individuals in the Target Populations. Any violations of the Interim Settlement Agreement that are minor and occasional and are not systemic shall not be deemed noncompliance (XIX[2])." In other words, substantial compliance means that the State and City have implemented, and are in full compliance with, all of the provisions and related benchmarks and requirements of the Interim Settlement Agreement for all individuals in the Target Populations. The only permitted variation from this standard are violations that are minor, occasional and not systemic. "Minor" in this context refers to any violations of the Consent Decree or ISA that:

- Are infrequent and do not reflect a pattern of noncompliance with a particular provision, benchmark or requirement over time.
- Are infrequent, not systemic and do not impair or compromise the ability of the full developmental disabilities or educational systems to achieve the goals and intent of the Agreement.
- Are not chronic and have not repeatedly occurred on prior occasions.
- Do not impact the ability of the State or City to fully implement a particular provision or course of action as described in the Agreement.

The determination of substantial compliance reflects the State's or PPSD's performance across the full agreement.

This report focuses exclusively on the extent to which the City of Providence Public Schools Department (PPSD) has met and is in substantial compliance with the requirements set forth by the ISA. Provisions and requirements that are the responsibility of the State may be referenced but are not generally included in this review. The Monitor's Notice in Advance of Interim Settlement Agreement Termination Date of July 1, 2020 filed with the Court on February 4, 2019 (Document 41) describes the timeline, process and activities involved in the determination of the defendants' substantial compliance with the terms and conditions in the ISA.

The ISA requires the State and the City to reach substantial compliance with all provisions and requirements of the Agreement by July 1, 2020 (XIX[3]). This report documents the current status of the City's compliance with each provision and benchmark of the ISA identifying and describing: (a) each ISA provision with related benchmarks and requirements; (b) the *standard or criteria* against which performance is assessed; (c) the current *status of compliance*, referencing efforts that the City has made to meet each requirement including key initiatives and changes in policies and practices; and (d) a summary of the findings, recommendations and conclusions of previous reviews and reports that have been issued by the Court Monitor. Where appropriate, the *method of measure* is described, outlining the approach used to identify and evaluate performance and outcome achievement.

B. Target Populations

The June 13, 2013 Interim Settlement Agreement identified the following target populations (Section III[A][1]-[3]):

1. *TTP Target Population*. Individuals with IDD who receive day activity or sheltered workshop services at Training Thru Placement or have received services at Training Thru Placement or any successor organization in the previous year;
2. *Birch Transition Target Population*. Individuals with IDD who are transition-age youth currently attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School, and;
3. *Birch Exit Target Population*. Individuals with IDD who are transition age youth attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School who have exited Birch within the previous two years, or who will exit Birch within one year.

On July 11, 2014, the parties agreed to modify two provisions of the ISA. The first modification clarified the interpretation of Section III(A)(3) to include in the Birch Exit Target Population transition-age youth with IDD attending the Birch program or any successor program at Mount Pleasant High School who have exited Birch at any point during the 2010-2011, 2011-2012, 2012-2013 or 2013-2014 school years. The second modification changed the dates specified in Section

IV(9) of the ISA to require that all individuals in the TTP Target Population and all individuals in the Birch Exit Population to be provided supported employment placements by December 1, 2014.

II. BACKGROUND

A. Investigation: Building the Case for the Settlement Agreement

The United States' investigation of Rhode Island's day activity service system, including employment, vocational, and day services, commenced on January 14, 2013. Department of Justice staff and contractors conducted on-site interviews with sheltered workshop, supported employment and integrated day services providers, as well as with individuals with IDD participating in employment programs, numerous stakeholders and advocacy organizations.

The investigation of PPSD chronicled a culture of low expectations at Birch where students were placed in the sheltered workshop and engaged in menial tasks, often without pay. For many, these tasks included placing buttons in bags or sorted by color into buckets that were then emptied by the staff at night to be re-sorted the following day. Students thought to be capable of working at subminimum wage performed piece work for businesses that contracted with Birch and received small amounts of pay for their efforts. Students who wanted to take part in employment activities or experience what it would be like to have a competitive job outside of the workshop were reminded of the need to meet production deadlines and were not provided with vocational opportunities in integrated settings. DOJ determined that such actions "severely limit Birch students' opportunities to be successfully matched with integrated work placements that are better suited to their particular preferences, interests, and skills by giving them virtually no choice but to participate in the sheltered workshop even in cases where students had expressed a desire to receive integrated services and experiences."

DOJ's investigation also examined links between the Birch vocational sheltered workshop program and the sheltered workshop operated by TTP. Evidence was found that the Birch program functioned as a "direct pipeline that channeled students with IDD into TTP's own sheltered workshop, thus limiting the access of students with disabilities to integrated community options for employment and day services." Results of the investigation were presented to the State and the City through in-person meetings conducted in March and April 2013. Separate Letters of Finding were issued by the United States to the City of Providence and the State on June 7, 2013.¹ The United States concluded that the City, including Providence Public Schools Department (PPSD), placed students at risk of unnecessary segregation in sheltered workshop and day program settings, including TTP, in violation of the ADA and the

¹ Title II ADA Investigation of the City of Providence Regarding the Harold A. Birch Vocational Program at Mount Pleasant High School (June 7, 2013) U.S. Department of Justice Civil Rights Division Assistant Attorney General 950 Pennsylvania Ave. NW RFK Washington CD 20530

Supreme Court's Olmstead ruling. The United States additionally concluded in a separate report that the State of Rhode Island failed to administer programs and services to individuals with IDD in the most integrated settings appropriate to their needs and that PPSD placed Birch students at risk of unnecessary segregation in sheltered workshop and day program settings in violation of the ADA and Olmstead.

The two Letters of Finding issued by the United States described the specific civil rights violations that were taking place and outlined several remedial actions that the City and the State needed to take to comply with the requirements of the ADA and Olmstead. The City and the State entered into the interim settlement agreement with the United States on June 13, 2013 and committed to a detailed timeline with clear policy and programmatic milestones to be achieved to resolve identified violations and to comply with the ADA by July 1, 2020. Provisions of the ISA require the City to take specific actions including but not limited to:

- Outcomes to be Achieved
- Supported Employment Services and Placements
- Integrated Day Services
- Person-Centered Career Development Planning
- Transition Planning for Youth
- Training
- Outreach, Education and Support
- Provider Capacity
- State Agency Actions
- Interagency Collaboration
- Funding
- Quality Improvement
- Data Collection and Reporting

B. PPSD's Response: Implementing a Plan for Change

PPSD's response to DOJ's investigations was swift. On March 28, 2013, the operation of the Birch Vocational Program was placed under the supervision of the Special Education Director, Ms. Lisa Vargas-Sinapi. Ms. Vargas-Sinapi launched an immediate assessment of the program identifying violations of state and federal regulations, the lack of integrated educational programs and numerous other issues and concerns.² On April 12, 2013, three days after learning of the alleged violations at Birch, PPSD permanently closed its sheltered workshop program. PPSD administrators and staff immediately began development of a strategic plan and implementation process to remediate known deficiencies and identified ADA violations. A Re-Design Model was developed based on the belief that the Birch Vocational School could be

² Report of the Court Monitor Progress on the Interim Settlement Agreement United States v. State of Rhode Island and the City of Providence Revised April 1, 2015.

transformed and redesigned to incorporate best practices and afford students with the best services to achieve to their fullest potential and post-secondary goals.

The re-design plan sought to enhance programming and services across four core areas: integration and inclusion, transition programming and services, curriculum and instruction, and parent and family collaboration. The plan included a new vision for services and a new name, the Mount Pleasant High School Birch Academy. It emphasized preparing students to become responsible, skilled and effective adults in society by providing rigorous educational opportunities with a direct focus on instruction to assist students transition to adult life, develop career skills and engage in activities that enable them to achieve their post-secondary goals. A Re-Design Committee comprising administrators, teachers, teacher assistants, state agencies and parents was established in July 2013 to develop a detailed plan to provide Birch Target Population members with the tools, instruction and experiences to achieve the plan's goals and outcomes.

Administrative actions in August 2013 brought the Mt. Pleasant High School Birch Academy under the direct supervision of the Principal of Mt. Pleasant High School and his administrative team. A new Coordinator of Student Services was appointed to work directly under the Principal and collaboratively with the Special Education Director: to provide leadership, strengthen special education and transition services to meet ISA requirements, and improve services and integration at Mt. Pleasant Birch Academy. The re-design model included programmatic objectives that aligned with ISA goals and provisions, including:

- A robust, engaging curriculum that aligns with the alternate grade span expectations and transition standards and can be tailored to meet individual student needs;
- Integration of students with IDD with non-disabled peers in all aspects of the school day, as appropriate for each individual student;
- Instruction that explores transition services and activities to provide students the skills to meet their post-secondary goals;
- An assessment system that drives Individual Education Plan (IEP) development and transition planning;
- Dynamic interactions, experiences and exchanges with community partners, businesses and organizations to enhance learning and skills;
- A focus on the development of transition skills and the provision of experiences that are vital for success throughout and after high school;

- Faculty that brings interests and perspectives into school experiences and instruction;
- Technical assistance from the Rhode Island Department of Education (RIDE) that will assist in guiding re-design and goals for the program;
- Collaboration with state agencies to begin the career planning process and achieve student goals in a timely fashion.

Additional changes implemented by PPSD included the repurposing of the physical space formerly occupied by the Birch Vocational School into the Mount Pleasant High School to ensure all classrooms provide safe and appropriate classroom environments for students and are “as fully integrated as possible.” Improvements in staffing and staff training helped to change the culture at PPSD. Outside consultants and persons with expertise were engaged to provide need training and support to faculty and staff and transition services were revised and aggressively implemented to align with best practices and the requirements of the ISA. PPSD’s plan to provide the necessary transition services and programming to students resulted in changes impacting five broad areas:

Supported Employment Services, Transition Supports, and the Identification of Vocational Sites. Beginning in 2013, PPSD with support from ORS, contracted with Perspectives Corporation, a local IDD services provider, to offer integrated trial work experiences and related preparatory activities to assist Birch Target Population students in their transition to the adult system. In 2014, PPSD collaborated with ORS and Miriam Hospital to establish Rhode Island’s first Project Search program providing real life work experiences to youth with significant disabilities to assist them in making successful transitions from school to work. The program continues to attract students by furnishing important employment experiences and skill building activities to Birch Transition Population members.

Person-Centered Career Development Planning. In January 2014, PPSD instituted the MAPS person-centered planning process to structure service planning around students’ interests and needs. Intensive staff training in the process was begun at that time and continues to the present day (see below). All Birch Transition Target Population members receive annually revised career development plans. PPSD’s Special Education Department provided several professional development opportunities throughout Fall 2013 to train staff on creating IEPs that support student learning and determine the skills needed for students to achieve. Consistent with the provisions and requirements of the ISA, each student’s IEP is person-centered and coordinated with the individual’s career development plan to inform the development of employment related goals and recommendations, incorporate information from integrated vocational and situational assessments and schedule the provision of key transition activities such as benefits planning and discovery.

Vocational and Transition Assessments. PPSD purchased and is utilizing an array of vocational assessments designed to meet the needs of students with cognitive disabilities. Training on the administration of the assessments began at the end of August 2013 and has continued throughout the school year.

Collaboration with State Agencies. PPSD expanded collaboration and communication with RIDE, ORS and BHDDH/DDD to meet ISA requirements and expectations. The 2013 cooperative agreement signed by the State and PPSD as a result of the ISA enhanced the efficient and effective deployment of resources. These resources supported significant changes including, among others, the provision by ORS of a master's level rehabilitation counselor to provide consultation and referral at Birch. Increased collaboration led to improvements in communication between PPSD and state agencies with meetings held on a regular basis to review cases, set priorities and create action plans for moving forward. Following the signing of the ISA, PPSD's Special Education Director began meeting regularly with RIDE administrators to monitor the implementation of the re-design plans and the progress being made on improving programming and services, and to receive technical assistance as needed. PPSD's Special Education Director also organized monthly meetings with the State to review each member of the Birch Exit "Look Back" Target Population ensure that he or she receives the supports and services needed to become employed. Concerted efforts were devoted to locating and contacting members of the Exit Population who have left school to ensure they and their families understood that they were entitled to receive supported employment services and supports and other benefits of the ISA.

Staffing, Professional Development and Leadership. To meet the ISA requirements the PPSD's Office of Special Education utilized its Division of Secondary Education to provide direct oversight, leadership and direction across the District. Additional resources also were provided to support and supervise the systemic implementation of transition planning and services. These include:

Vocational and Job Coaching Support. PPSD developed a vocational rehabilitation counselor position to oversee a variety of professional assignments and to provide vocational rehabilitation guidance, assessments and rehabilitation planning to students with disabilities. The position was filled in September 2014. A job development coach additionally was hired to identify vocational sites and supported employment opportunities for the students. Over 40 different sites were identified.

Job Coaches. Teacher Assistants' job responsibilities for Birch Academy students were redesigned with the collaboration of the local union to provide training in job coaching techniques and strategies. Instituted in 2013, ten newly designed Community Transition Assistant Liaison positions provide supported employment services and job assessment training in the community.

Skilled and Effective Teachers. Before the ISA, Birch Vocational School teachers had not received the training necessary to provide appropriate assessments, instruction and transition skills to enable students to become successfully employed adults in integrated, competitive settings. In August 2013, regularly scheduled professional development and training sessions were provided to all Birch Academy staff during weekly planning times and after school trainings and ongoing training continues to the present day. PPSD staff report that the teachers at Birch Academy have been key to the success and progress of the re-design of the program at Mt. Pleasant.

Improved Curriculum and Instruction. The curriculum and instruction at the Mount Pleasant Birch Academy was revamped to meet the needs of Birch Target Population members, ISA provisions and the federal requirements of the Individuals with Disabilities Education Act (IDEA). PPSD purchased the Unique Learning System (ULS), an online standards-based curriculum specifically designed for special learners. Professional development for teachers at the Mt. Pleasant Birch Academy began over the summer of 2013. New computers and software were purchased for the staff at Birch Academy to implement and enable students' appropriate access to the curriculum.

The reforms made by the City, described above, have shifted the focus of education and training toward the accomplishment of key benchmarks and provisions of the ISA. The changes that were introduced were, in many cases, initiated in collaboration with state agency partners including RIDE, ORS and DDD and memorialized in agreements and memoranda of understandings with the intention of producing enduring policy change. Reviews conducted by the Monitor over the past few years have documented the ability of PPSD to maintain compliance with both the letter and intent of the ISA and strongly suggest that such changes will be maintained as "business as usual" beyond the term of this agreement.

III. FINDINGS: THE STATUS OF SUBSTANTIAL COMPLIANCE

A. Assessment Summary

Substantial Compliance Summary by Provision							
ISA Provision	Benchmarks						
IV. Outcomes	1	2	3(a)-(c)	4	7(b)	8(a)	9(a)-(e)
Compliance Status	SCA	SCA	SCA	SCA	SCA	SCA	SCA
V. Supported Employment Services & Placements	1	2	3	5	6	8	
Compliance Status	SCA*	SCA*	SCA*	SCA*	SCA*	SCA	
VI. Integrated Day Services	Omit for PPSD						
VII. Career Development Planning	1(b)	3	5	6			
Compliance Status	SCA*	SCA	SCA	SCA			
VIII Transition Planning for Youth	1	2	3(a)	3(b)	3(c)	3(d)	3(e)
Compliance Status	SCA*	SCA*	SCA	SCA	SCA	SCA	SCA*
	4	5	6	7	8	9	10
	SCA*	SCA	SCA	SCA*	SCA	SCA	SCA
IX. Training	1	2					
Compliance Status	SCA	SCA					
X. Outreach Education & Support	1						
Compliance Status	SCA						
XI Provider Capacity	1	4					
Compliance Status	SCA	SCA					
XII. State Agency Actions	1						
Compliance Status	SCA*						
XIII. Interagency Collaboration	2						
Compliance Status	SCA						
XIV. Funding	1	2					
Compliance Status	SCA*	SCA*					
XV. Quality Improvement	2(a)	2(b)	2(c)	2(d)&(e)			
Compliance Status	SCA*	SCA*	SCA*	SCA			
XVI. Data Collection & Monitoring	2						
Compliance Status	SCA						
SCA - Substantial Compliance Achieved SCA* - Determined to be in substantial compliance in previous reviews							

The ISA identifies specific responsibilities for the State and for the City of Providence for each provision or section included in the Agreement. Each section details required activities, required documentation, progress benchmarks and outcomes, both individual and support

related, that must be achieved. Some provisions focus solely on the State, others include requirements for only the City, while still others set requirements for both. As noted above, this report addresses ISA sections that pertain to PPSD. Provisions having to do with State activities are included for clarity but are shaded to indicate that they are not assessed in this report.

B. OUTCOMES - SECTION IV.

§IV(1) Benchmark 1 - PPSD. By September 1, 2013, all individuals in the Birch Exit Target Population will be provided the services and supports described in Section V(A)(1)-(2) necessary to introduce them to work in integrated settings, according to the youth transition process and milestones set forth in Section VIII, and they will become eligible for a Supported Employment Placement, as provided in Section V(D), upon their exit from Birch.

Standard/Criteria: (a) All members of the Birch Exit Target Population are provided with or have access to all supported employment services described at §V(A) (1)-(2) furnished in accordance with transition process and milestones set in §VIII(4); (b) all Birch Exit Target Population members become eligible for a supported employment placement on their exit from Birch.

Method of Measure: Review of PPSD written policies and practices, interviews of key PPSD staff, review and inspection of documentation in individual student records and review of findings and recommendations in past Monitor's reports.

Compliance Status: For a full description see below, Section V(A)(1)&(2) Benchmark 1 – PPSD/State and §VIII(4).

This benchmark was determined to have been met in previous reviews, see Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on 5/19/17 (p.10).

Assessment: Substantial Compliance Achieved

§IV(2) Benchmark 2 - PPSD. By September 1, 2014, all individuals in the Birch Transition Target Population will be provided the services and supports described in Section V(A)(1)-(2) necessary to introduce them to work in integrated settings, according to the youth transition process and milestones set forth in Section VIII.

Standard/Criteria: (a) All members of the Birch Transition Target Population are provided with or have access to supported employment services described at §V(A) (1)-(2) furnished in accordance with transition process and milestones set in §VIII (4); (b) all

Birch Transition Target Population members become eligible for a supported employment placement on their exit from Birch.

Method of Measure: Review of PPDS written policies and practices, interviews of key PPDS staff, review and inspection of documentation in individual student records, and review of past Monitor's reports.

Compliance Status: See below, §V(A)(1) & (2) Benchmark 1 – PPDS/State and §VIII(4)

This Benchmark was determined to have been met, see Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on 5/19/17 (p.10). Court Monitor's Fourth Report on the State of Rhode Island's Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements Filed June 23, 2017; Document 85 filed 10/30/18 (p.7-8).

Assessment: Substantial Compliance Achieved

§IV(3) Benchmark 3 – PPDS. A person-centered planning process will be engaged in every year that a student attends Birch, starting at age 14. The person-centered planning process will minimally include the standards and milestones set forth in Section VIII, including the opportunity to access integrated transition work placements and information about post-secondary work in integrated settings. In addition, individuals with IDD at Birch will be offered meaningful options for post-secondary Supported Employment and Integrated Day Services beginning no later than the start of the school year in which they will turn 18. Such individuals and their families must be provided information through the person-centered planning process sufficient to make a meaningful informed choice between such services and remaining in school.

Standard/Criteria 3a: Every Birch Target Population member receives a Career Development Plan developed through a person-centered planning process every year that the student attends Birch, starting at age 14.

Compliance Status: Every Birch Transition Target Population member has a current CDP that has been prepared through a person-centered planning process. For more information on compliance with this provision please refer below to Section VII Career Development Planning and Section VIII(7) Transition Planning for Youth.

Standard/Criteria 3b: The planning process includes standards and milestones set forth in Section VIII, including the opportunity to access integrated transition work placements and information about post-secondary work in integrated settings, and provides individuals and families information sufficient for them to make meaningful informed choices between such services and remaining in school.

Compliance Status: The career development planning process at Birch includes standards and milestones set forth in Section VIII, including the opportunity to access integrated transition work placements and information about post-secondary work in integrated settings, and provides individuals and families information sufficient for them to make meaningful informed choices between such services and remaining in school. For more information see below, documentation of §VII(5) Benchmark 5 PPSD Career Development Plan Provision, Content and Focus.

Standard/Criteria 3c: Every Birch Target Population member is offered meaningful options for post-secondary Supported Employment and Integrated Day Services beginning no later than the start of the school year in which they turn 18 years of age (§VIII[4][d]).

Compliance Status: For an assessment of the progress on this benchmark please see documentation at (§VIII[4][d]).

These Benchmarks were determined to have been met in previous reviews and reports. See Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance, Document 17 filed with the Court on 5/19/17 (p.10; 21-22); and the Court Monitor's Fourth Report on the State of Rhode Island's Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements Filed June 23, 2017, Document 85 filed with the court on October 30, 2018 (p.7-8).

Assessment of Benchmarks 3a, 3b, and 3c: Substantial Compliance Achieved

§IV(4) Benchmark 4 – PPSD. Effective April 12, 2013, by Order of the PPSD Superintendent, PPSD ceased providing sheltered work at the Birch sheltered workshop. As of the date of this Interim Agreement and going forward, PPSD will continue not to provide services to individuals with I/DD at Birch in a sheltered workshop setting.

Standard/Criteria: PPSD does not provide services to individuals with IDD at Birch in a sheltered workshop setting.

Compliance Status: PPSD closed its sheltered workshop at Birch as indicated above.

Assessment: Substantial Compliance Achieved

§IV(5)-(6) Benchmarks 5 & 6 – State. Effective upon the date of this Interim Agreement, the State will no longer provide placement or funding for new entrants to sheltered workshop or segregated day activity services at TTP, including: (a) Transition-age youth with IDD; (b) Any working age adult who is newly eligible for I/DD services; and (c) Any working age adult who

is already utilizing IDD services who is not already receiving services at TTP. Effective March 31, 2014, the State will no longer provide placement or funding for sheltered workshop or segregated day activity services at TTP

Standard/Criteria: The State's termination of funding and support for the provision of segregated sheltered workshop and day activities for any and all TTP and Birch Target Population members provided by or at TTP and its successor organization, Easter Seals of Rhode Island (ESRI).

Compliance Status: TTP and its successor organization, Easter Seals of Rhode Island (ESRI), closed the sheltered workshop and day program facility and no longer provides segregated employment or day services for any ISA target population member.

Assessment: Substantial Compliance Achieved

SIV(7) Benchmark 7 – PPSD/State: By September 1, 2013, the State will provide career development plans, as described in Section VII, for each individual in the TTP Target Population. The State and the PPSD will provide career development plans, as described in Section VII to each individual in the Birch Exit Target Population. However, the provision of Supported Employment Services will not be delayed or denied due to the lack of a career development plan.

Standard/Criteria 7a: The State provide career development plans, as described in Section VII, for each individual in the TTP Target Population.

Compliance Status: TBD

Assessment: TBD

Standard/Criteria 7b: The State and the PPSD provide career development plans, as described in Section VII to each individual in the Birch Exit Target Population.

Compliance Status: See Monitor's review report on progress on meeting the requirements of Section VII below.

This Benchmark was previously determined to have been met. See Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance, Document 17 filed with the Court on 5/19/17 (p.17); Court Monitor's Fourth Report on the State of Rhode Island's Response to the Order of Compliance with Outstanding Interim Settlement Agreement Requirements dated June 23, 2017 - Document 85 filed with the court on October 30, 2018 (p.3-4).

Assessment: Substantial Compliance Achieved

§IV(8) Benchmark 8 – PPSD/State: By September 30, 2013, for all individuals in the Birch Exit Target Population, and all individuals in the TTP Target Population, such persons shall receive benefits planning information and counseling from a qualified professional who is experienced and certified in Social Security and SSI regulations and who will review an individual's personal benefit levels and produce a written analysis, providing information to the individual and their family or guardian about the impact of earned income on the individual's public benefits. Benefits counseling will be rolled out consistent with when each individual in the Target Populations is scheduled to enter supported employment. Each person's benefits plan may be adjusted thereafter, subject to review by the Monitor, for six months following its completion.

Standard/Criteria Benchmark 8a: All individuals in the Birch Exit Target Population receive benefits counseling and a written analysis (benefits plan) from a qualified individual during the year that the individual enters supported employment.

Standard/Criteria Benchmark 8b: All TTP Target Population members receive benefits counseling and a written analysis (benefits plan) from a qualified individual during the year that the individual enters supported employment.

Compliance Status Benchmark 8a: Benefits planning information and counseling are furnished to ISA Target Population members by the Sherlock Center's Work Incentives Program or through ORS when the student becomes ready for employment or receives a supported employment placement. Families are provided with information on benefits counseling and planning during each annual IEP meeting and benefits specialists are available during regularly scheduled transition fairs to answer questions from parents and students about the process. Individual appointments with benefits counselors are also scheduled to take place at schools to accommodate the student and family. Data from PPSD's Quarterly Report for the period ending February 28, 2019 indicates that all 51 individuals have received information on benefits planning during their annual IEP/CDP meetings. All of the 13 individuals (100%) who are expected to exit PPSD in May 2019 have been referred to ORS and/or the Sherlock Center for benefits plan development. PPSD reports that the school is waiting for documentation to indicate whether or not students have received the benefits plans and planning information as required.

Assessment: Substantial Compliance Achieved.

§IV(9)(a)-(e) Benchmark 9 – PPSD/State: It is the position of PPSD that supported employment placements are not typically a requirement for school districts under IDEA. However, the State

and PPSD acknowledge that they will work together for the Birch Exit Target Populations to provide supported employment services and placements. The State will provide Supported Employment Placements and Integrated Day Services, as described in Sections V and VI, for all individuals in the TTP Target Population. The State and PPSD will provide Supported Employment Placements and Integrated Day Services, as described in Sections V and VI, for all individuals in the Birch Exit Target Populations. The State and PPSD will provide Supported Employment and integrated day services as described in §V and §VI, for all individuals in the Birch Exit Target Population according to the schedule in this section by March 31, 2014.

Note: Responsibility for the implementation of this provision was modified by mutual agreement between the State and PPSD effective February 1, 2018. The modification shifted responsibility for the submission of data regarding all relevant provisions of the ISA including but not limited to supportive employment placements, supported employment services, integrated day services, career development planning, and other relevant provisions and outcomes from PPSD to DDD. ORS assumes responsibility for reporting on the status of “Look-Back” or Birch Exit Target Population members who are “open, eligible and receiving vocational rehabilitation services from ORS...” The modification was approved by the Court Monitor and the United States did not object to this shift of reporting responsibility.

Standard/Criteria: DDD and ORS provide supported employment services and placements and integrated day services to all members Birch Exit “Look-Back” Target Population. DDD and ORS regularly record and submit required ISA data as outlined in the MOU between the two parties.

- a. By July 1, 2013, the State jointly with the PPSD will provide Supported Employment Placements to all individuals in the Birch Exit Target Population who left, or will leave, school during the 2012-2013 school year.
- b. By August 1, 2013, the State will provide Supported Employment Placements to an additional 15 individuals.
- c. By November 1, 2013, the State will provide Supported Employment Placements to an additional 25 individuals.
- d. By February 1, 2014, the State will provide Supported Employment Placements to an additional 30 individuals.
- e. By March 31, 2014, the State jointly with PPSD will provide Supported Employment Placements to any additional individuals in the TTP and Birch Exit Target Populations.

Compliance Status: PPSD is providing services as required and the Memorandum of Understanding was finalized and is in place.

Assessment: Substantial Compliance Achieved for PPSD

C. SUPPORTED EMPLOYMENT SERVICES AND PLACEMENTS - SECTION V.

Supported Employment Services

§V(A)(1)&(2) Benchmark 1 - PPSD/State: The following community supported employment services are available to ISA target population members: Vocational and related services, such as job discovery and development, job-finding, job carving, job coaching, job training, job shadowing, co-worker and peer supports, re-employment support, benefits counseling and transportation services, as well as those environmental modification and environmental accessibility adaptations, behavioral supports; personal care services; case management services; assistive technology; social skills training; self-exploration; career exploration; career planning and management; job customization; soft skill development; time management training; self-employment opportunities and supports; adaptive behavior and daily living skills training directly related to job placement and support necessary to allow individuals with IDD to participate in an integrated employment setting.

In addition, for transition-age youth with IDD, transitional services and supports, including: instruction, community experiences, the development of employment and other post school adult living objectives; school-based preparatory experiences; career preparation, and integrated work-based learning experiences such as site visits, job shadowing, soft skill and job skill development, internships, part-time employment, summer employment; youth development and leadership, including training in self-advocacy, self-determination and conflict resolution skills, peer and adult mentoring, and, where appropriate, daily living skills; connecting activities, including exposure to post-school educational and community services, transportation, benefits planning, and assistive technology.

Standard/Criteria: Supported employment services made available to ISA Target Population members and transition age youth with IDD by the State and the City of Providence are defined and described in regulations and policies in a manner consistent with ISA requirements at §V(A)(1)&(2).

Compliance Status: A summary of the number and percentage of Birch Transition Target Population receiving supported employment services, as well as the average number of hours of service received per individual during the previous six scholastic quarters November 2017 through February 2019, is included in Table 1 below. A review of PPSD documentation found that all community supported employment services, as identified in this section, are available to Birch Target Population members as required by the ISA. Through participation in trial work experiences and transition academy programs such as Project Search, Transition Academy and the Providence Autism School to Tomorrow Academy (PASTAA) target population members receive

the following services and supports: job discovery and development, job-finding, job carving, job coaching, job training, job shadowing, co-worker and peer supports, and re-employment supports.

As noted above, benefits counseling information is provided to parents during annual IEP Meetings. If and when a student becomes employed, the benefits specialist will meet with the individual and family, as coordinated through ORS. Transportation services are furnished to target population members through RIPTA and applications to RIDE. Needed environmental adaptations and accessibility modifications are additionally provided. Behavior intervention plans are developed and implemented by PPSD as needed by the individual. Personal support, case management and assistive technology are also provided.

Transition planning teams provide target population members with social skills training, self-exploration, career exploration, career planning and management, job customization, soft skill development, time management training, self-employment opportunities and supports through job clubs in the classroom with the classroom teacher, job developer, and vocational counselor. In addition, adaptive behavior training and assistance with daily living skills that are directly related to job placement is furnished along with other supports necessary to allow individuals with IDD to access and participate in integrated employment settings.

Table 1 Birch Transition Target Population Supported Employment Services Received			
Scholastic Quarter Ending	Number of Students	Percent	Ave. SE Service Hours Received /person/Month
Feb 2019	51	100	36.8
Nov 2018	55	100	34.3
Aug 2018	65	100	17.1*
June 2018	65	100	27.6
Feb 2018	62	100	26.1
Nov 2017	63	100	32
* School in session in June only			

Travel training is provided when needed to enable students to access to their job sites. Younger students who are exploring career opportunities career exploration, job shadow their peers and are furnished with opportunities to tour businesses and hear from guest speakers about different careers. Birch target population members are eligible to access summer work opportunities through ORS as well as those offered by the transition academies, such as Project Search and the Transition Academy. Through these services students receive access to: job shadowing, soft skill and job skill development, internships, part-time employment, summer employment, youth development and leadership training, as well as training in self-advocacy, self-determination and conflict resolution skills.

Previous reports and reviews conducted by the Monitor have determined that these two provisions have been met by the State and the City of Providence. Benchmark met -

Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on 5/19/17 (p.9).

Assessment: Substantial Compliance Achieved

§V(B)&(C) Benchmark 2 - PPSD/State: Supported Employment Services shall be individualized and flexible, and shall be available as needed and desired, but shall not be mandated as a condition of working or receiving services in an integrated employment setting. Supported Employment Services shall be provided in the amount, intensity, and duration necessary to place, maintain, and provide ongoing support, including ongoing professional development, to an individual in a Supported Employment Placement, as set forth below in Section V(D)-(E).

Standard/Criteria: All ISA target population members receive supported employment services consistent with the criteria outlined in §V(B)&(C) as described above.

Compliance Status: State and PPSD policy regarding supported employment services includes language affirming that the services described in this provision are available to Birch Target Population members as required.

This Benchmark was determined to have been met by the Monitor in past reports. For additional information see the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on May 19, 2017 (p.9).

Assessment: Substantial Compliance Achieved

Supported Employment Placements

§V(D)(1)-(4) Benchmark 3 - PPSD/State: "Supported Employment Placement," for the purposes of this Interim Agreement, is defined as the provision of Supported Employment Services in an integrated employment setting:

1. Where the individual is compensated at or above Rhode Island's minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities;
2. Where the individual works the maximum number of hours consistent with his/her abilities;
3. That allows individuals with disabilities to interact with individuals without disabilities in an employment setting to the fullest extent possible for the individual;

4. That offers individuals with disabilities the same opportunity as non-disabled individuals:
 - a. To access community opportunities at times, frequencies, and with persons of their choosing during appropriate times when the individual is not working, such as on breaks, during lunch, and before and after the work day;
 - b. For promotion and/or advancement opportunities; and
 - c. To perform tasks or work activities that match the interests, preferences, and skills of the worker.

Standard/Criteria: Supported employment placements received by ISA target population members meet the definition at §V(d)(1)-(4).

Compliance Status: PPSD has defined supported employment in manner required by this section. As described in section §IV(9)(a)-(e) Benchmark 9 above, responsibility for securing supported employment placements and documentation was shifted to the State.

This Benchmark was determined to have been met by the Monitor in previous reports. See Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on May 19, 2017 (p.9).

Assessment: Substantial Compliance Achieved

§V(E) Benchmark 4 State/PPSD: All Supported Employment Placements shall be based on an individual's capabilities, strengths, and preferences, and shall be individually tailored to each person and may include self-employment. Working from an individual's home as part of self-employment may be a Supported Employment Placement if made as an informed choice by the individual, and is subject to review by the Monitor.

Note: Supported employment placements primarily occur in state-funded adult services.

Standard/Criteria: As stated in this section above.

Status: Benchmark met - Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on 5/19/17 (p.9-10).

Assessment: Substantial Compliance Achieved.

§V(F) Benchmark 5 PPSD/State: The State and PPSD will establish and implement a policy that includes the presumption that all individuals covered by this Interim Agreement are capable of working in integrated employment settings.

Standard/Criteria: The presence of this requirement in City and in State policy, regulation and/or guidelines and evidence of implementation.

Status: Employment First policies issued by PPSD, RIDE and DDD include the presumption that all individuals covered by the Interim Settlement Agreement are capable of working in integrated employment settings. This provision was determined by the Court Monitor to have been met. See the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance, Document 17 filed with the Court on May 19, 2017 (p.10).

Assessment: Substantial Compliance Achieved

§V(G) Benchmark 6 PPSD/State: Supported Employment Placements made available under this Interim Agreement cannot be in facility-based work/sheltered workshops, group enclaves, mobile work crews, time-limited work experiences (internships), or facility-based day programs.

Note: Supported employment placements primarily occur in state-funded adult services programs as described above.

Standard/Criteria: Placements of ISA target population members in facility-based work, sheltered workshops, group enclaves, mobile work crews, time-limited work experiences (internships), or facility-based day programs are not made, nor identified or counted by PPSD or the State as qualifying supported employment placements.

Compliance Status: Placements of ISA target population members are not made in facility-based work, sheltered workshops, group enclaves, mobile work crews, time-limited work experiences (internships), or facility-based day programs, nor are they identified or counted by PPSD or the State as qualifying supported employment placements. All sheltered workshops in Rhode Island have been closed.

This Benchmark was determined to have been met by previous reviews and reports conducted by the Monitor. See Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on May 19, 2017 (p.10).

Assessment: Substantial Compliance Achieved

§V(H)&(I) Benchmark 7 PPSD/State: All individuals who receive a Supported Employment Placement under this Interim Agreement shall work the maximum number of hours consistent with their abilities and have access to integrated day services in sufficient amount, duration,

and intensity to complement their employment and to provide them with an ISP that affords them the opportunity to participate in integrated settings at times when they are not working during a normative 40-hour work week. By May 1, 2014, all individuals in the TTP and Birch Exit Target Populations that receive a Supported Employment Placement(s) shall average, as determined by a point in time survey, work in an integrated employment setting for at least 20 hours per week.

Note: Supported employment placements primarily occur in state-funded adult services.

Standard/Criteria Benchmark 8a: All individuals who receive a Supported Employment Placement under this Interim Agreement work the maximum number of hours consistent with their abilities.

Standard/Criteria Benchmark 8b: All individuals who receive a Supported Employment Placement under this Interim Agreement have access to integrated day services in sufficient amount, duration, and intensity to complement their employment and to provide them with an ISP that affords them the opportunity to participate in integrated settings at times when they are not working during a normative 40-hour work week.

Standard/Criteria Benchmark 8c: All individuals in the TTP and Birch Exit Target Populations that receive a Supported Employment Placement(s) are averaging, as determined by a point in time survey, work in an integrated employment setting for at least 20 hours per week.

Status: TBD

Assessment: This provision applies to the State and not PPSD.

§V(J)&(K) Benchmark 8 PPSD/State: Any individual eligible for a Supported Employment Placement, but who makes an informed choice for placement in a sheltered workshop, group enclave, mobile work crew, time- limited work experience (internships), or facility-based day program, or other segregated setting may seek a variance allowing such placement. Variances may only be granted after an individual has:

1. Participated in at least one vocational or situational assessment, as defined in Section II;
2. Completed one trial work experience, as defined in Section II;
3. Received the outreach, education, and support services described in Section X; and
4. Received a benefits counseling consultation, as described in Sections IV(8).

If a variance is granted, the individual must be reassessed by a qualified professional, and the revised employment goal reevaluated, within 180 days, and annually thereafter, for the individual to have the meaningful opportunity to choose to receive Supported Employment Services in an integrated work setting. The Parties and the Monitor shall create a process that governs the variance process within 30 days of entering this Interim Agreement.

Standard/Criteria Benchmark 8a: The Parties and the Monitor have created policies governing the variance process that include the activities described by numbers 1-4 above. All ISA target population members who have been granted a variance have completed activities identified in numbers 1-4 above.

Standard/Criteria Benchmark 8b: ISA target population members who have received a variance are re-evaluated in a manner consistent with the provisions of this section every 180 days.

Compliance Status for Benchmarks 8a and 8b: No variances have been requested. PPSD does not place individuals in segregated employment settings.

Assessment: Substantial Compliance Achieved

D. INTEGRATED DAY SERVICES - SECTION VI.

§VI (A)&(B) Benchmark 1 PPSD/State: Integrated Day Services include community- based recreational, social, educational, cultural, athletic, volunteer, and training activities, as well as other non-facility-based activities of a person's choosing that are provided in integrated settings during the day with the appropriate services and supports. Integrated Day Services will be provided to all individuals in the TTP and Birch Exit Target Populations 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.

Standard/Criteria: Integrated day settings match the interests, preferences, and goals of the participant, are provided at times frequencies and with persons of the individual's choosing and reflect the service characteristics described in Sections VI(B)(a)&(b).

Compliance Status: PPSD does not offer day services

Assessment: NA

E. CAREER DEVELOPMENT PLANNING - SECTION VII.

§VII(1) Benchmark 1 PPSD/State – Career Development Planning Policies and Procedures:

By September 1, 2013: the *State* must adopt and implement career development planning policies that presume that all Target Group members: (a) are capable of working in integrated employment settings, (b) have an active and leading role in the career development planning process, and (c) are determined eligible for employment without meeting any pre-established readiness criteria.

Standard/Criteria Benchmark 1a - State: The *State* has adopted and implemented policies and procedures for developing career development plans (CDP) for each individual in the TTP Target Population.

Status: TBD

Assessment: TBD

Standard/Criteria Benchmark 1b - PPSD: The State and PPSD have adopted and implemented policies and procedures for developing career development plans for each individual in the Birch Look Back Target Population.

Compliance Status: The State (RIDE) and PPSD have adopted and are implementing a series of clear policies and practices regarding the purpose, the structure and the functioning of career development planning. Educational and information materials have been developed and are in use to define and describe the meaning of person-centered practices and planning, the career development planning process, and the roles of students and school staff in the construction of effective program planning strategies, related services and supports. Detailed training materials are available along with power point presentations and resource materials that link person-centered career development planning to PPSD's Employment First Policy and other relevant policies adopted by RIDE, DDD and ORS.

This Benchmark was determined to have been met during previous reviews by the Monitor, see Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on 5/19/17 (p.17).

Assessment: Substantial Compliance Achieved

§VII(2) Benchmark 2 State – Vocational Assessments: The State shall adopt evidence-based vocational assessments and vocational eligibility criteria that are person-centered and appropriate for individuals with I/DD; based on the presumption that with the appropriate services and supports individuals with I/DD can work; and designed to reveal information

about an individual's skills, interests, strengths and abilities, regardless of whether the individual has the verbal ability to express such information.

Standard/Criteria: Vocational assessments and vocational eligibility criteria adopted for use by the State are person-centered and appropriate for individuals with IDD providing as described in this section.

Compliance Status: TBD

Assessment: TBD

§VII(3) Benchmark 3 PPSD/State – Vocational and Situational Assessments: No vocational or situational assessments, including those conducted by the State, or any vendors or contractors of the State, shall be conducted in segregated work settings, including in sheltered workshops or in any setting that does not meet the definitions and standards set forth in Sections V(D)-(E).

Standard/Criteria: All vocational assessments are conducted in integrated work settings or other integrated settings appropriate for that purpose.

Compliance Status: All vocational assessments are provided by ORS. PPSD collaborates with ORS as needed in the set-up of vocational assessments. Directives have been issued by PPSD and ORS that no vocational or situational assessments are permitted to be conducted in segregated settings.

Assessment: Substantial Compliance Achieved

§VII(4) Benchmark 4 State – Assessments: The State (including RIDE for school age individuals) shall ensure that all assessments: (a) are conducted by appropriate and trained staff; (b) maintain fidelity to an asset-based assessment model (like MAPS, PATHS, or VAPS); (c) are available for all individuals eligible for relief under the ISA to be assessed in several different integrated employment settings, should they desire to be assessed in more than one community employment setting; and (d) are conducted with the appropriate accommodations, services and supports necessary for ISA target population members to be assessed performing work activities in integrated employment settings.

Standard/Criteria: All assessments must meet the criteria outlined in sub provisions (a)-(d) of this section.

Compliance Status: TBD

Assessment: TBD

§VII(5) Benchmark 5 State/PPSD – Career Development Plan Provision, Content and Focus:

Career development plans shall be formulated and or revised at least annually in conjunction with the ISP or IEP process through an asset-based, person-centered planning process including discovery, vocational assessment, and situational assessment conducted with the goal of maximizing the number of hours spent working, consistent with an individual's abilities, in settings that meet the definitions and standards set forth in Sections V and VI. The career development plan shall: (a) set forth the individual's skills, interests, strengths, and abilities; (b) be integrated into the individual's IPE, ISP, IEP, and ILP and Summary of Performance ("SOP"); and (c) identify the nature and scope of services needed by the individual to remove obstacles to obtaining and keeping an individualized job in an integrated employment setting and participating in Integrated Day Services meeting the definitions and standards set forth in Sections V and VI.

Standard/Criteria PPSD Benchmark 1a: Career development planning for each member of the Birch Exit Target Population meets the standards and criteria outlined in this section above.

Compliance Status: PPSD reports that career development planning at Birch is based on a person-centered approach that emphasizes individualized, self-directed services leading to a "goal-directed" future for each student. The MAPs³ process is used for each student to bring together and gather input from the planning team as a whole, including the individual and his or her family and friends, school staff and others who are important to the individual and the goals he or she would like to achieve. The student identifies the vocational and employment activities of interest based on his or her skills, strengths, interests, and abilities. Information is provided regarding work placements and post-secondary employment in integrated settings. MAPs are updated annually and in conjunction with updated vocational assessments which drive the goals for the student's future path. Transition assessments are continuously administered and completed on a yearly basis. MAPs information is used to help to determine the student's career goals and potential integrated employment opportunities in the community. Initial MAPs are implemented during the first year of the student's participation in the Birch Program or sooner, if the MAPS has been completed during

³ MAPs, or Making Action Plans, is one of several person-centered planning approaches that is used to help students plan for their future. This tool assists the transition team develop planning future goals and outcomes using a person-centered approach. Plans for the future are built upon the student's dreams, fears, interests, and needs. The planning approach focuses on and is designed around the strengths, needs, accomplishments, desires and preferences of the individuals receiving support. MAPs typically use graphic facilitation to encourage the involvement of families, friends and others. The process is directed and guided by the student and family and is facilitated by the team members.

middle school, and involves parents/guardians, the student, and educational team members.

Career development plans are updated at least annually until the student exits school. IEP/CDP meetings are attended by the Special Education Supervisor who documents the decisions that are made and informs students and parents/guardians. Students are encouraged to attend their meetings and speak about their MAPs. Other attendees include the Vocational Counselor, who works to ensure the student's interests and work experiences are aligned and successful, and the Job Developer, who is responsible for establishing community partnerships and identifying employment opportunities that match students' career interests. These staff work together, utilizing Job Clubs and other strategies to assist students in exploring career opportunities and in obtaining feedback from students on their trial work placements. PPSD's Special Education Supervisor, Vocational Counselor, and Job Developer meet weekly as a team to discuss the status of each student's career exploration process and trial work experiences.

Table 2 Birch Target Population Completion of Career Development Plans and Person-Centered Planning By Quarter										
	Feb 2019		Nov 2018		Aug 2018		May2018		Feb 2018	
	No.	%	No.	%	No.	%	No.	%	No.	%
Total Population	51	100	55	100	65	100	65	100	62	100
Total Active	51	100	55	100	65	100	65	100	62	100
Participants with CDPs	51	100	55	100	65	100	65	100	62	100
Participants with Current CDPs	51	100	55	100	65	100	65	100	62	100
Participants with MAPS/PATH	51	100	55	100	65	100	65	100	62	100

PPSD gathers and reports to the Monitor and the Parties quarterly data on the numbers of individuals receiving person-centered career development planning. As shown in Table 2, career development plans have been in place for all (100%) Birch Transition Target Population members for the past five calendar quarters. The presence of CDPs and MAPs was verified by the Monitor during on-site visits and documentary reviews.

A representative sample of career development plans for 13 Birch Transition Target Population members was reviewed by the independent consultant. The sample reflects 25% of the current total population of 51 individuals. The review found that all but three target population members in the sample had career development plans that had been completed within the previous year. More recent documentation of CDPs and IEPs for these three individuals provided by PPSD indicates that plans for these individuals are now current and up to date. This information is consistent with PPSD's quarterly report data which indicates that CDPs and IEPs are current for all 51 students.

The independent consultant additionally found that all of the CDP meetings were appropriately asset based, structured around what a student can do rather than focusing on his or her functional deficits. Evidence also was present in each record indicating significant efforts by PPSD to identify individual students interests and the strengths they possessed that could facilitate a successful employment outcome. Clear employment objectives were not well developed for the three youngest students, who were 15 years of age, in either the Career Development Plan or the Individual Educational Plans. In all other cases, however, employment objectives were clear and present in the CDPs and in most instances in the IEP's as well. IEP objectives were educational for two students although their CDPs were well developed and included the required elements. No ORS Individual Plans for Employment (IPE) were found in individual files. Traditionally, ORS has provided these plans to PPSD on request but on consultation with the Monitor has agreed to change this practice and to routinely furnish IPEs to PPSD as they are completed. PPSD uses the MAPS process for person-centered planning. All records reviewed contained summary information from these individual planning meetings. An assessment of the person-centeredness of CDPs for Birch Transition Target Population members is provided below in §VIII(7) Benchmark 6 PPSD/State. Person-Centered Career Development Planning.

As noted by the independent consultant, a review of the 13 student records suggests that an employment focus begins during a student's early to mid-teens with a series of interest and job preference assessments to assist planning teams in developing and focusing the curricula on the student's needs. As a student ages, the focus on employment outcomes becomes more central to the planning process. Students begin to participate in trial work experiences and these, in combination with assessment information, enable the planning team to make informed decisions regarding the services needed to enhance a student's experience as he or she moves towards graduation. There is clear evidence that PPSD is reaching out to involve BHDDH/DDD and ORS although the evidence seems to suggest that their direct involvement may be limited to older students.

Assessment: Substantial Compliance Achieved

Standard/Criteria State Benchmark 1b: Career development planning for each member of the TTP Target Population meets the standards and criteria outlined in this section above

Assessment: TBD

§VII(6)(7) Benchmark 6 State/PPSD – Career Development Planning Supports: Translation and interpretation services, including sign language interpretation, shall be accessible and

available to all individuals in the Target Population and their families who require such services during all employment planning meetings and during the entire career planning process. All individuals covered by this Interim Agreement will have access to the services and supports necessary to make informed decisions pertaining to this Interim Agreement.

If, after discovery, and a vocational or situational assessment, an individual expresses that a particular work setting does not match his/her interests, strengths, or abilities, the person-centered planning process shall resume, the reasons that the individual did not prefer the work placement shall be documented, and all planning shall proceed with goals that have been adjusted based on the information revealed through the discovery and assessment process.

Standard/Criteria: ISA target population members have full access to needed translation, interpretation, sign language, and decision-making assistance throughout the person-centered planning process as described in these sections.

Compliance Status: PPSD policies ensure that Birch target population members have full access to needed translations, interpretation, sign language and decision-making assistance throughout the person-centered planning process. Translation services are provided by PPSD employees and through contracts with three agencies to provide access to any language needed by the student and family. The Providence School District website provides detailed information on policies and procedures related to interpretation and translation services (see <https://www.providenceschools.org/Page/619>). The recent review of the files of a sample of 13 Birch Transition Target Population members revealed that four of the thirteen individuals were receiving additional assistance related to physical adaptations and communication aides and assistance.

Assessment: Substantial Compliance Achieved

VII (8)(9) Benchmark 7 State - Rapid Job Search: The State shall implement a rapid job search process for competitive employment for each individual eligible for a Supported Employment Placement under the ISA. At minimum, the State shall ensure that the rapid job search process: (a) begins within 10 days of the completion of an individual's vocational assessment; (b) includes an individualized job search; and (c) includes job development and job carving.

Standard/Criteria: As described in this section above.

Compliance Status: PPSD and the State employ individualized job development and supported employment strategies as described in Section V

Assessment: The rapid job search model appears to have primarily been used to assist individuals with serious mental illness and those receiving benefits through the Temporary

Assistance to Needy Families (TANF) program. This approach is designed to quickly secure employment through direct assistance to individuals rather than relying on vocational assessments, training, & counseling. The rapid job search model appears to be most helpful for individuals who have had experience with employment who do not require the job development and customized employment training and support options that are required by the Consent Decree and ISA Sections IV, V and VII.

F. TRANSITION PLANNING FOR YOUTH - SECTION VIII.

§VIII(1)&(2) Benchmark 1 PPSD/State - Employment First Policy and Interagency

Agreement: The State and PPSD are required to adopt an Employment First Policy making integrated employment the first and priority service option for youth seeking transition work placements and for transition-age youth's postsecondary vocational planning objectives. The State and PPSD shall enter into an interagency agreement that includes timelines and specific benchmarks setting forth a school-to-work transition process for transition-age youth (14-21 years of age) with IDD in PPSD including Birch students, and providing for students' access to the services and supports set forth in Sections V(A)(1)-(2).

Standard/Criteria: Documentation that the State and PPSD have prepared and adopted an Employment First Statement and Policy and have entered into an interagency agreement that includes timelines and specific benchmarks setting forth a school-to-work transition process for transition-age youth (14-21 years of age) as described in this section.

Compliance Status: The State and PPSD developed and are implementing required policies, practices and agreements in accordance with ISA timelines. This Benchmark was determined by the Monitor to have been met in previous reviews and reports. See the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; Document 17 filed with the Court on May 19, 2017 (p.23).

Assessment: Substantial Compliance Achieved

§VIII(3) Benchmark 2 PPSD/State - Employment Planning Teams: The State and PPSD shall promote the involvement, availability, and use of employment planning teams at Birch. Employment planning teams shall at a minimum include a qualified vocational rehabilitation counselor, qualified school transition specialist, qualified State representative, where applicable, and the eligible youth with IDD. Family and/or guardian participation in all planning meetings should be required. The eligible youth shall be ensured an active and leading role in all of his/her planning meetings.

Standard/Criteria: Employment Planning Teams, as described by this section, are available and in use at Birch to develop career development plans and employment related goals and coordinate recommendations.

Compliance Status: Career development plans and employment related goals and recommendations are developed and implemented by Employment Planning Teams consisting of the Birch case manager, as well as the special education supervisor, job developer, vocational counselor, job coach, the student and his or her family.

Community Partner Liaisons (ORS) complete community-based, integrated vocational evaluations on students with disabilities, providing recommendations for student planning, formulating and implementing job placement strategies and employment skills as part of the student's Employment Planning Team. The Community Partner Liaison works within the community to establish vocational sites and business relationships to provide vocational training, supported employment services and job development sites for students to experience community-based services. Job coaches provide on site development, modifications and consultation for behavioral or social emotional support. The Coordinator provides professional development and administers the implementation of transition services including: IEP development, transition services, assessments and activities including related services. Other opportunities provided: job development, job skills training, travel training, preparation for interviews, resume writing and vocational assessments.

The transition planning process involves education, career exploration, independent living and community engagement. Data is collected from various transition assessments identifying individuals' strengths, needs, and targeted goals and objectives. The process includes the administration of vocational assessments, such as Envision Your Career, the Pictorial Interest Inventory, Pictorial Interest Survey, Transition Planning Inventory, MAPs, and the Employability Life Skills Assessment. Information gathered through these assessments identifies career and vocational interests as well as gaps in skill areas that is then used to inform the development of the individual's IEP and CDP.

PPSD reports that younger students receive guest speaker presentations and engage in job shadowing and peer to peer sharing sessions where they are exposed to a variety of careers and career options. Older students begin trial work experiences related to their specific career or skill interests. Each time an individual participates in trial work, their experiences are documented so they may inform the career development plan process. Job coaches and the case manager work together to assist students in maximizing their independence in their career related areas. Students share their experiences in the classroom and individually, discussing their likes, dislikes, areas in need of

improvement and problem solving. The employment planning team visits work sites to ensure quality and adjusts placements based on feedback and observation.

All students are referred to the ORS and BHDDH/DDD so that services begin when students exit school services and/or turn 21 years of age. Parents are introduced to the Birch Program at the beginning of their freshman year. Parents of freshman are invited to the school to meet with the Special Education Supervisor to learn about the dynamics of the program. Parents of existing students in the Birch Program are also invited in the beginning of the school year for an information session with the supervisor and adult agencies, ORS and BHDDH/DDD, as well the Rhode Island Parent Information Network (RIPIN). Parents are invited to four parent information sessions throughout the school year to provide information on the transition process. Parents are able to have their questions answered and obtain literature in their native language on the services offered by adult DD provider agencies, the dates of RIPIN trainings and benefits planning information.

This requirement was determined to have been met following previous reviews. See ECF Document 85, Court Monitor's Fourth Report on the State of Rhode Island's Response with Outstanding Interim Settlement Agreement Requirements Filed June 23, 2017, Section A(2)(a)(vi) (p. 8).

Assessment: Substantial Compliance Achieved.

§VIII(4) Benchmark 3 PPSD – Transition Planning and Process. The transition planning process for students enrolled in Birch shall continue to begin by age 14, shall include an employment planning team, and shall include access to ORS and Medicaid Waiver services, if the individual is eligible for such services. The transition planning process shall be designed to ensure that each youth and his/her family has been informed about, and been given opportunities to experience, Supported Employment Services and Placements. The transition planning process, as set forth by interagency agreement in Section XIII, shall be inclusive of specific and relevant planning milestones for all eligible Birch youth in transition. At minimum, these milestones shall include:

Assessment Methodology: The determination of PPSD's substantial compliance with the Benchmarks in this section is based on ongoing program reviews conducted by the Monitor, data provided by PPSD in quarterly reports and other documentation, and two in-depth assessments of Birch Target Population members' files by two independent reviewers working under contract with the Court Monitor. Files from two groups of Birch Transition Target Population members were drawn at random. Group 1, consisting of 13 files representing 25% of the total population of 51 individuals, was gathered in February 2019 to assess the quality of individual support plans and career development plans and planning at Birch. Group 2, a second group of 16 files

representing 31% of the total population, was reviewed in late February to evaluate transition plans, transition planning and related activities. Combining the two groups of files provides a representative sample of 29 of 51 (57%) of Birch Transition Target Population members currently receiving services.

- a. Assignment, by age 14, to an employment planning team, as defined in this Section;

Standard/Criteria: Standards and criteria – as set above by sub provision (a).

Compliance Status: PPSD's Quarterly Report for the period ending February 28, 2019 includes data indicating that 51 of 51 (100%) Birch Transition Target Population members received were assigned to an employment planning team by age 14 years as required by this section. An in-depth review of student files at Birch conducted by the Monitor and the independent consultant found that 16 of 16 individuals reviewed had been assigned to employment teams. Four individuals (25%) had been assigned by age 14 or before. Seven individuals, the majority (44%), had been assigned to employment teams at age 15 on their entry to Birch (most of the students enter birch at age 15 years). Two (2) individuals were assigned to teams at age 16 years, no information was available on the date of their entry to Birch. One student was assigned to an employment team at age 18 following entry to Birch that same year, and two students received assignment to employment planning teams when they entered Birch at age 19 years (See Table 3).

Interviews with PPSD staff revealed that they clearly understand the importance of this requirement and are taking the steps necessary to ensure that individuals with IDD entering the program after age 14 are assigned to employment teams as soon as possible.

Table 3 Assignment to Employment Teams by Age 14 as of February 28, 2019		
Number of Birch Students	Age at Entry to Birch	Age at Assignment to Employment Team
4 (25%)	14	14
7 (44%)	15	15
2 (12.5%)	No Data	16
1 (6%)	18	18
2 (12.5%)	19	19
16 (100%)		

Assessment Substantial Compliance Achieved

- b. No later than during the first year of entry to Birch, and with the assistance of the employment planning team, the formulation of the employment-related recommendations of the IEP to discover and record students' personal interests and goals for postsecondary employment and/or postsecondary education;

Standard/Criteria: Standards and criteria – as set above by sub-provision (b).

Compliance Status: The aforementioned independent review examined the IEPs and CDPs of a representative sample of 16 Birch Transition Target Population members to determine the presence or absence of employment related recommendations in the IEP and the identification of students' personal interests and goals for postsecondary employment and/or postsecondary education. This requirement was determined to have been met for all 16 individuals (100%) in the Group 2 representative sample. Transition assessments, interests and preferences were additionally listed in students' career development plans. The presence of clear employment objectives reflecting students' interests and strengths also was noted in the review of IEPs and CDPs completed for individuals in Group 2 who were 15 years of age or older. It is clear that PPSD has been working hard to ensure students receive the planning and support services that are required by this provision.

Assessment: Substantial Compliance Achieved.

- c. No later than the year in which a student turns 16 years of age and with the assistance of the employment planning team, a comprehensive introduction to or enrollment in State services, if an individual is eligible or will be eligible, and also with the assistance of the employment planning team, the formulation of the employment- related recommendations of the IPE and ISP, where applicable;

Standard/Criteria: Standards and criteria – as set above by sub-provision (c).

Compliance Status: The review of the records of the 16 individuals in the Group 2 sample focused on the provision of transition services and supports required by this

Table 4 PPSD Employment Planning Team Composition and CDP Meeting Attendance - Group 1								
Student	Age	Student	Family	Teacher	Transition Specialist	DDD	ORS	Clinical
1	15	X	X	X	X	Invited	Invited	-
2	15	X	X	ND	X	Invited	Invited	-
3	15	X	X	2	X	Invited	Invited	-
4	16	X	X	2	X	Invited	Invited	-
5	16	X	X	X	2	Invited	Invited	-
6	16	X	X	X	X	Invited	Invited	3
7	17	X	X	X	X	Invited	Invited	-
8	18	X	X	X	X	Invited	Invited	X
9	19	X	X	2	X	Invited	Invited	-
10	19	X	X	X	X	X	X	-
11	20	X	X	ND	X	X	X	-
12	20	X	X	X	X	X	Invited	-
13	21	X	X	X	X	X	X	-

provision. PPSD refers students to ORS and DDD for an introduction to State services at age 16 years. Of the sixteen student records reviewed, 12 (75%) showed that the student had received the required introduction to ORS services and 11 (69%) indicated that the student had received the required introduction to BHDDS-DDD services. Thirteen individuals (81%) had received employment recommendations in the IEP, ISP or CDP by age 16 years.

A similar pattern of meeting attendance by ORS and DDD representatives was found in the review that was completed of the composition of the Employment Planning Team and the attendance of its members during career development planning meetings held for Group 1 members. For this sample of 13 individuals, shown in Table 4, ORS and DDD did not attend meetings for any individuals less than 19 years of age. Verification of ORS or DDDs' presence at PPSD IEP/CDP meetings is provided by an attendance sign-in sheet. PPSD considers its invitation to ORS and BHDDS-DDD to attend the student planning meetings as evidence that the introduction to state services has taken place. Information on enrollment in state services is made available to parents during each IEP/CDP meeting and PPSD staff assist families in connecting with each State agency representatives upon request.⁴ The requirement that every Birch student receive an introduction to or enrollment in state services by age 16 years falls on both PPSD and the State. PPSD is responsible for notifying DDD and ORS of the date for each student's IEP or CDP meeting, and whether or not the student's parents have requested DDD and/or ORS to attend the meeting. DDD and ORS are responsible for ensuring that staff attend meetings as requested by the parents. DDD maintains records of the meetings attended by DDD and/or RIPIN staff.⁵

Assessment: Substantial Compliance Achieved. The determination of substantial compliance with this provision requires a careful separation of the actions and responsibilities of the two Parties. PPSD does notify ORS and DDD of the dates that IEP/CDP meetings are scheduled and does notify parents that the two state agencies have been invited to the meeting. As is described below, however, the form does not affirmatively ask parents if they would like the state agency representatives to attend the meeting and it appears from the data that few parents request that they do so.

⁴ "The State reaffirms its commitment to have ORS and/or BHDDH staff available for participation in IEP meetings for younger Transition Age Youth (14-16 year-olds). In recognition of the fact that not all families of such youth feel ready for inclusion of an ORS or adult services (BHDDH) staffer at IEP meetings at this stage of their child's planning process the State commits to amending the IEP Meeting Notice that is used by all school districts in RI to include a statement informing parents that as part of the Transition Process they have access to and can request the participation of ORS and BHDDH staff at their upcoming IEP meeting."

⁵ DDD has a contractual arrangement with the Rhode Island Parent Information Network to attend IEP or CDP meetings held for students 14 to 17 years of age.

An examination of the data regarding compliance with this ISA benchmark reveals two barriers to gathering this information. The State has agreed to ensure DDD and ORS representatives participate in IEP meetings for all older transition age youth and to attend meetings for younger students at the request of their parents. The Monitor's current review found that the form that is sent by PPSD to the parents of Birch Target Population members to announce IEP/CDP meetings indicates that state agency representatives have been invited to the meeting by PPSD. The form does not directly ask them, however, if they would like to have State representatives attend the meeting. The current meeting announcement indicates that State agency representatives have been invited and it is logical to assume that parents or guardians would expect that State agency staff would be present at the meetings. ORS and DDD representatives, however, operating on the assumption that they will be asked to attend IEP/CDP meetings when requested to do so by the parents, are not routinely participating in these gatherings. ORS and DDD representatives indicated that they make every effort to attend meetings when they receive notice that parents have asked them to do so.

To ensure the implementation of the agreement that has been made between the Parties regarding State attendance at IEP and CDP meetings, PPSD and RIDE agreed to immediately implement two recommendations from the Monitor. First, that PPSD change the form announcing IEP/CDP meetings to request parents to clearly state whether they would or would not like an ORS and/or DDD representative to attend the meeting. A new parental notification form was developed, revised to include the recommended language and was approved by the Monitor and the Plaintiffs and adopted by PPSD for immediate implementation. The second recommendation was that PPSD (and RIDE for other LEAs across the state) include with the IEP/CDP meeting invitation information on the services and supports furnished by ORS and DDD to ensure that parents understand what the two state agencies might be able to provide by attending the meeting. PPSD and the State have indicated that they are making these changes.

The Court Monitor additionally required that ORS, DDD and PPSD document attendance at IEP/CDP meetings for members of the Birch Transition Target Population by staff from the three entities, as well as RIPIN, consistent with the requirements of this section and the agreement outlined in the State's Communication Plan Addendum dated July 2016. PPSD updated their IEP invitation and agreed to meet with the State to iron out the process for parents to request that BHDDH and ORS to attend IEP meetings for younger students. Attendance is happening for older students. The Court Monitor and DOJ agree that the changes described above have been made and are sufficient to achieve compliance with this provision.

- d. No later than the year in which a student turns 18 years of age meeting with the employment planning team to facilitate possible post-secondary employment placements,

and to ensure that an eligible youth has been introduced to numerous and specific options to receive Supported Employment Services in a community based long-term placement in an integrated employment setting meeting the definitions and standards set forth in Section V(D)-(E), and that the eligible youth has (or will have) experienced the opportunity to be placed in such a setting, and to begin working there, prior to the end of his or her participation at Birch; and

Standard/Criteria: Standards and criteria – as set above by sub-provision (d).

Compliance Status: The independent review of the Group 2 sample of Birch Transition Target Population members found that all individuals (100%) 18 years of age or older had met with their employment planning team to facilitate possible post-secondary employment placements, become introduced to numerous and specific options to receive Supported Employment Services in a community based long-term placement in an integrated employment setting meeting the definitions and standards set forth in Section V(D)-(E), and have (or will have) experienced the opportunity to be placed in such a setting, and to begin working there, prior to the end of their participation at Birch. As noted elsewhere in this report, students who are interested in receiving a supported employment placement before exiting Birch are able to receive assistance to do so. Birch staff reported that no students have requested to do so at this time and no student was found to be in this category. Every Birch Target Population member is offered meaningful options for supported employment and integrated day services not later than 18 years of age consistent with §VIII(4)(d). Information gathered through the person-centered planning and MAPS processes is used to assist the individual in choosing trial work experiences through partnerships with ORS, DDD, and Perspectives. Students work for pay through summer employment opportunities.

Assessment: Substantial Compliance Achieved

- e. No later than during the year prior to exit from secondary school, all Birch youth in transition shall receive benefits planning information, according to the standards set forth in Section IV(8).

Standard/Criteria: Standards and criteria – as set by sub provision (e).

Compliance Status: PPSD staff provide benefits counseling information and brochures to families during students' annual IEP/CDP meetings. As noted above, PPSD's Quarterly Report for the period ending February 28, 2019 indicates that all Birch Target Population members were offered the opportunity to meet with a benefits counselor during each of their IEP/CDP meetings. Benefits counseling is furnished to students during the year they exit school by the Sherlock Center. Students and families are invited to meet with the benefits counselor. If the family and the individual accept the

offer the transition team sends a referral to the Work Incentives program operated by the Sherlock Center or ORS for follow-up. The school arranges a meeting with the family and the benefits specialist meets with the family at the school. PPSD's Quarterly Report for the period ending February 28, 2019 indicates that 13 of the 13 Birch Exit Target Population members expected to exit in June 2019 have been referred for benefits counseling. PPSD reports that it has requested the dates that benefits planning and information were provided and is awaiting information on the development of plans for these individuals from ORS.

This provision has been determined to have been met in previous Monitor's Reports, see ECF Document 85, Court Monitor's Fourth Report on the State of Rhode Island's Response with Outstanding Interim Settlement Agreement Requirements Filed June 23, 2017, Section A(2) (pp. 7&8).

Assessment: Substantial Compliance Achieved

VIII(5) Benchmark 4 PPSD – Vocational and Situational Assessments. All youth in transition shall have a meaningful opportunity to experience one or more vocational and/or situational assessments in an integrated employment setting prior to exit from Birch, pursuant to the standards set forth in Section II.

Standard/Criteria: Vocational and situational assessments are provided and documented for each Birch student in transition as required by this provision.

Compliance Status: The external review of the Group 2 representative sample of 16 Birch Transition Target Population members conducted by the Monitor's independent consultant reveals that all individuals (100%) received one or more vocational or situational assessments including MAPs, Visual Resume, and Trial Work Assessments. The files indicate that employment teams listen to the students, identify their interests and work to match them with appropriate trial work experiences. Previous reviews determined this benchmark to have been met. See the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.20).

Assessment: Substantial Compliance Achieved

VIII(6) Benchmark 5 PPSD – Trial Work Experiences. All youth in transition shall have a meaningful opportunity to experience at least two trial work experiences, where each trial work experience is approximately 60 days duration, prior to exit from Birch in an individualized, integrated employment setting meeting the definitions and standards set forth in Sections V(D)-(E) with supervision and appropriate services and supports. Such trial work experiences may be exempt from the requirement of Section V(D)(1), and may include full-time, part-time, or

seasonal work on a paid or unpaid basis, including internships, summer work experiences, or volunteer/ community service experiences. Such trial work experiences cannot be positions of employment that are controlled by an employer that is a provider, school, or school district for the purpose of employing individuals with disabilities; instead, they must be provided in typical work settings meeting the definitions and standards set forth in Sections V(D)(2)-(4) and V(E).

Standard/Criteria: Birch Transition Target Population members receive at least two trial work experiences prior to exiting Birch as required by this provision.

Compliance Status: Trial work provides important opportunities for students with IDD to experience what it is like to work and become employed in competitive jobs in integrated settings. Trial work enables students to sample a wide variety of jobs in different commercial and work venues, helping them to learn the skills, behaviors and attitudes that are expected on the job and providing opportunities for them to meet new friends and to learn the culture of the workplace.

PPSD provides individuals with trial work experiences primarily during their final two years at Mount Pleasant High School. On-site reviews conducted by the Monitor of a sample of individuals engaged in trial work found that the placements were of high quality, reflecting both the interests and preferences of the individuals receiving support. Supervisors were directly engaged in support activities and seemed to thoroughly enjoy working with each individual,

"Ricky" started trial work at the West End Community Center that was set up by one of our CTALs (job coaches). They became interested in hiring him and approached the CTAL that took him to work. Before the end of the 2017-2018 school year in May, Ricky completed his application with the assistance of the Vocational Counselor. Mock interviews were conducted and his parents were notified to be sure they were accepting of him getting a job and would support him in following through with the process. His parents were very excited about the opportunity. ORS also became involved to let him know what they may need after Ricky graduated. Ricky completed a visual resume and submitted it along with the application to the manager at West End Community Center. Unfortunately, Ricky was not hired for the position but he gained valuable experiences and skills that will assist him in his future efforts to choose and land a job.

providing training, support and general supervision. Several Birch Target Population members were observed participating participate in trial work experiences through Project Search at Miriam Hospital in Providence. Two students were interviewed while working in the kitchen and in the laundry. Each said that they enjoyed the work that they were doing, noting that they would like to be employed at the hospital on a full-time basis after graduation. Through conversations with supervisors we learned that at least two currently employed hospital staff had previously gone through this Project Search program. Another student, "James" (pseudonym) was observed working in a

greenhouse operating in a nearby community. James' job coach sat nearby as he meticulously picked dirt and dead leaves from a small plant. James said that although he would prefer another type of work, he enjoyed the jobs and tasks that he was performing at the greenhouse. He appeared to have a warm and supportive relationship with his job coach who sat nearby, providing advice and assistance when needed. Another Birch student, "Fred," (pseudonym) was engaged in a trial work experience in a local pizzeria. He began work early in the day before customers arrived, arranging the chairs and making sure the salt, pepper and condiments were placed in the right spot on each of the tables. Fred also folded pizza boxes together and stacked them near the ovens in the kitchen area. Fred said that he enjoyed the work a great deal and liked his coworkers. He said that he wanted to get into the restaurant business and hoped to attend culinary school in the future after graduation from Mt. Pleasant High School.

Data furnished by PPSD's Quarterly Reports track the progress the City is making on achieving the requirements of this section during each academic quarter. PPSD's revised quarterly report for the period ending February 28, 2019 indicates that 11 Birch Target Population members are expected to exit school in June 2019. Of this number, 9 individuals (82%) had completed two 60-day trial work experiences, as described and required by ISA Sections V(D)-(E) by the end of February. The two remaining individuals each completed their first 60-day trial work experience requirement. The school reports that by the end of June 2019 one of these students had completed the second 60-day trial work experience while the other was a wheelchair user whose mother did not want her to use public transportation, her only option PPSD made available to her to access the trial worksite. As a result, this student has not logged any time on her second trial work experience. PPSD officials described the numerous attempts that they made to provide or arrange for transportation to assist this individual in completing the second trial work experience and cited parental resistance as the primary barrier. Follow-up conversations were held with the individual's mother to verify the information being provided and ensure that the individual's mother understood the importance of this ISA requirement. Speaking through an interpreter, the mother reported that she supported her daughter's participation in trial work described her need for supervision and assistance on the bus. She also explained the difficulties that her daughter encountered in accessing transportation that fully met her needs. DOJ and the Monitor agreed that additional efforts should have been made by PPSD to secure paratransit or other appropriate transportation resources to enable the daughter to participate in the trial work experience, and asked PPSD to work with the State DD agency to ensure the young woman received the necessary transportation and support services. In addition, the Plaintiff contacted the State DD agency to ensure these resources would be made available to her as she transitioned to adult services.

Quarterly reports completed and submitted by PPSD to the Monitor during previous years indicate that the City has experienced difficulty completing this requirement. The

report for the quarter ending May 2018, the final quarter of the school year, indicated that only five of the 9 individuals (56%) expected to graduate in 2018 had completed two 60-day trial work experiences as required by May 31, 2018. During the previous year, 2017, 13 of 19 (68%) Birch Target Population members had completed two trial work experiences by May 31st of that year. Adjusting the total number of 19 to account for three individuals who did not complete their trial work experience requirements due to repeated absences from school, parental decisions or other reasons suggests that 13 of 16 individuals (81%) who were due to graduate from school in 2017 met this requirement. Quarterly report data for individuals graduating in May of 2016 reveal that 10 of 11 (91%) target population members had completed two trial work experiences as required.

The City identified several barriers that it has encountered in its attempts to achieve this benchmark, citing difficulties in securing reliable accessible transportation, irregular school attendance on the part of a few target population members, specific healthcare requirements of some students, the length of the school day, and, in some cases, a lack of parental support. Efforts that PPSD has made to address such barriers by contracting with a new transportation provider with smaller busses and more flexible alternatives are noted.

Such barriers should be considered in evaluating compliance with this provision, but they are meaningful only to the extent that the City can demonstrate that it is actively addressing this situation and is taking substantive actions to address and remove each barrier identified for each affected individual. I recommend that the PPSD commit to the development and implementation of a detailed policy for ensuring students with mobility challenges receive all the assistance they need to fully access and participate in work trials in integrated competitive employment settings, informational visits to community employers, and in-person experiences within community businesses and concerns as required by this agreement.

Based on the information provided by PPSD as described above, as well as: visits to students' trial work experience sites, in-person interviews which revealed high quality work experiences that matched students' skills and interests; records showing that the vast majority of students received two 60-day trial work experiences prior to graduation; and evidence of PPSD's meaningful efforts to overcome barriers to trial work experiences, I conclude that the City is in substantial compliance with this requirement. PPSD has demonstrated that providing trial work experiences to students prior to graduation is an on-going part of the education program that will continue after the termination of the ISA.

Assessment: Substantial Compliance Achieved.

VIII(7) Benchmark 6 PPSD/State. Person-Centered Career Development Planning. A person-centered career development plan shall be developed by the employment planning team for each youth in transition, to inform the employment-related goals and recommendations of the youth's ISP, IEP, IPE, ILP, and SOP, where applicable, and to provide ongoing coordination of the employment-related recommendations of those plans (VIII[7]).

Standard/Criteria: Evidence that each youth in transition has received a career development plan developed through a person-centered planning process by the employment planning team.

Status: Evidence that each Birch Transition Target Population member has received a person-centered career development plan or plans developed through the MAPS person-centered planning process is documented in PPSD's Quarterly Reports for each scholastic quarter since November

Student	Age	PCP Process	Student Participation	Plan Matches Preferences	Goals Lead to Employment Skills	Individual Supports Identified	Transition Process Identified	Intro to DDD/OR Services
1	15	Y	Y	Y	N	NA	Y	N
2	15	Y	Y	Y	N	Y	Y	N
3	15	Y	Y	Y	N	Y	Y	N
4	16	Y	Y	Y	N	Y	Y	N
5	16	Y	Y	Y	Y	Y	Y	N
6	16	Y	Y	Y	Y	Y	Y	Y
7	17	Y	Y	Y	Y	NA	Y	UNKN
8	18	Y	Y	Y	N	Y	Y	Y
9	19	Y	Y	Y	Y	Y	Y	Y
10	19	Y	Y	Y	N	NA	Y	N
11	20	Y	Y	Y	Y	NA	Y	Y
12	20	Y	Y	Y	Y	NA	Y	Y
13	21	Y	Y	Y	Y	Y	Y	Y

2017. A review of the use of person-centered planning in the preparation of career development plans was completed for members of the 13 individuals in the Group 1 sample by the Monitor and the independent consultant in January, 2019. This review found that PPSD is clearly following a person-centered planning process for each student in the sample with information being obtained from a variety of sources. These sources include student and family interviews, results from a MAPS meeting, interest and career preference assessments (typically multiple), and in most instances trial work experiences. Employment goals that were included in the IEP and the CDP were specific and clearly related to the students' state career goal preferences (VII[5]). Table 5 summarizes the documentation of person centered planning for each of the 13 individuals reviewed identifying whether (Y) or not (N) the individual: engaged in a person-centered planning process; participated in the planning meeting; indicated clear employment preferences; received a plan that matched his or her stated preferences; received a plan with goals leading to the development of employment skills; included the receipt of adaptive, communication or other supports; identified a

clear transition process; and included an introduction to DDD and/or ORS services.

As shown in Table 5, all students were determined to have engaged in a person-centered planning process, participated in their CDP meeting, and had a plan with goals that matched their preferences. The extent to which individuals' goals lead to the development of employment skills, however, was less clear.

For some, employment related goals include ancillary skills such as learning to read or to use public transportation to get to work. For others, job related skills may focus on the use of machinery, specific job tasks, or the development of cleaning or food service techniques. The records reviewed indicated that goals for younger students (15 to 16 years of age) tended to focus more on academic skill development, although academic goals also predominated in the files of two older students as well (Student numbers 8 and 10 above). As an example, student #8, an 18-year-old female, had six goal statements in her IEP:

1. Independently read a level F/G ... 2 of 4 trials by (date specified)
2. Demonstrating conventions of formal writing
3. Applying number concepts
4. Develop expressive and receptive language skills
5. Negotiate flights of stairs
6. Work of improving balance

This student's CDP identifies a job preference of working in a day care, and in fact one of the trial work experiences was in a day care center. The CDP identifies support needs including job shadowing, introduction to BHDDH services, practicing soft skills in a classroom, and learning vocational vocabulary. The record did not, however, include specific goals addressing employment related outcomes.

The goals for this student contrast with those in another student's file, a 19-year-old male. In this case, the IEP includes four goal statements:

1. Increase comprehension of employment words
2. Calculating time intervals forward and backward
3. Practice requesting, responding, and advocating for self
4. Increasing work endurance

This student's CDP identifies recommendations for specific career options tied directly to pursuit of relevant job trials. These recommendations were based on a careful analysis of data collected in previous job trials, coupled with consistent statements from the student about his job preferences. Additional goals focused on practicing soft skills, developing a resume, travel training, and introducing him to BHDDH/DDD services.

There appeared to be a strong continuity in the employment focus between the student's IEP and the CDP. The goals in each case were specific and directly related to this student's stated preferences of career goals.

As shown in Table 5 above, specific employment outcomes were found in 7 of the CDPs reviewed, while employment outcomes were less clear in the remaining 6 plans. The review also found that adaptive supports were being provided where needed and evidence existed in each record that a well defined transition process was being followed. Introductions or referrals to ORS or DDD were made, with two exceptions, for students over 16 years of age. An introduction or referral to state services had not yet been made for two individuals who were 16 years of age in the current sample.

Assessment: Substantial Compliance Achieved. Clear evidence is present in the files that PPSD is following a person-centered planning process for each student in the sample as required by the ISA. To further enhance the ability of target population members to achievement employment outcomes in the future I recommend that PPSD place additional focus on the development and implementation of goals and activities that lead to the achievement of employment outcomes.

VIII(8) Benchmark 7 PPSD/State – Assessments in Integrated Settings: The State and PPSD shall prohibit vocational assessments of transition age youth in segregated work settings and (PPSD) shall issue a directive that no Birch youth in transition will be assessed in segregated settings or in settings that do not meet the definitions and standards set forth in Section V(D)-(E).

Standard/Criteria: Directives issued by PPSD and by the State (ORS) stating that no Birch student in transition will receive a vocational assessment in a segregated setting or a setting in which does not meet the definitions and standards set forth in §V(D)-(E).

Compliance Status: A policy directive issued by Lisa Vargas-Sinapi, PPSD Special Education Director on December 20, 2013 prohibits vocational assessments from being conducted in segregated settings: "All assessments, observations and evaluations must be completed with interaction with individuals without disabilities in an integrated environment where their personal preferences, strengths and needs can be identified and documented." Documentation provided by PPSD indicates that all Birch students in transition have engaged in assessments in integrated settings. Students complete two 60-day work experiences in the community. Community Partner Liaisons (job coaches) document their experiences and complete on the job data sheets which are used for career development. Students are offered summer work opportunities in their area of interest. The Job Coaches report on the collected data during each individual's annual IEP or Career Development Plan meeting.

ORS issued a similar directive affirming that all vocational assessments for Birch Target Population members and others receiving supports are conducted in integrated settings. PPSD issued a directive affirming that Providence Public Schools prohibits vocational assessments to be administered to students attending Mt Pleasant High School in segregated settings. All assessments, observations and evaluations must be completed with interaction with individuals without disabilities in an integrated environment where their personal preferences, strengths and needs can be identified and documented.

This requirement was determined to have been met in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.23).

Assessment: Substantial Compliance Achieved

VIII(9) Benchmark 8 PPSD/State – Access to State Services: The State and PPSD shall ensure that the appropriate services and supports are available to Birch transition-age youth who choose to work in the community before their 21st birthday rather than remaining in school. To this end, the State and PPSD will update their policies and administrative rules to facilitate individuals who are eligible to access State services, including Supported Employment Services, beginning at age 18.

Standard/Criteria: State and PPSD policies and administrative rules ensure Birch transition-age youth have access to supported employment beginning at age 18 years and to other appropriate services before their 21st birthday.

Compliance Status: PPSD, ORS and DDD have considerably strengthened the capacities of their respective agencies to provide supported employment services, career development planning, transition supports and related services to the Birch Transition Target Population since the signing of the ISA in 2013. RIDE, ORS and DDD collaborated in the development, implementation and subsequent revision of the Transition Timeline to support and guide the provision of services to transition age ISA target population members as they move from education to the adult service delivery system and integrated employment.

The Transition Timeline, revised February 20, 2017, details the policies and practices that are employed by RIDE, ORS and DDD to ensure the provision of services and supports to transition age youth consistent with the requirements of the ISA and the Consent Decree. The Timeline describes the services and supports that are available from RIDE, ORS and DDD throughout the transition period. DDD updated its policies and procedures to ensure the determination of eligibility for adult services by age 17 years.

DDD's "Eligibility Determination by 17" Policy establishes a referral process for individuals with IDD at age 16 with eligibility determined by age 17. School districts are requested to inform families of their right to apply for BHDDH/DDD adult services at age 16 years for youth who are categorized under IDEA as having an intellectual disability, autism, or multiple disabilities, or are believed to have a developmental disability and be eligible for BHDDH services. Information regarding eligibility determination, communication with families, the scheduling of needed assessments and the organization of outreach efforts related to ISA requirements are included in DDD's revised eligibility determination processes. ORS updated its policies and rules to facilitate or assist individuals to access vocational rehabilitation services at age 16 years or earlier as requested by the individual. A description of DDD's eligibility requirements, policies and frequently asked questions is posted on the Division's website at

http://www.bhddh.ri.gov/developmentaldisabilities/eligibility_requirements.php

PPSD assists transition age students and their families in completing testing and administrative requirements involved with the determination of eligibility for both ORS and DDD services. PPCSD invites families to informational meetings about the application process for State services available to students following graduation. PPCSD's quarterly reports and related documentation have not indicated that any Birch Transition students who are eligible to access State services, including supported employment services, have requested them at age 18 years. PPCSD staff reported that they are ready, willing and able to assist such students and their families should they desire to do so.

Assessment: Substantial Compliance Achieved

VIII(10) Benchmark 9 PPCSD/State - Access to the Transition Academy: The State and PPCSD shall take affirmative steps to ensure that Birch youth, following their exit from school, are not excluded from the benefits and opportunities of the school district's "transition academy" at Johnson & Wales University.

Standard/Criteria: Documentation of the affirmative steps the State and PPCSD have taken and are taking to ensure Birch youth have access to the school district's "transition academy" at Johnson & Wales University including the numbers of individuals served in the program and the number (if any) not accepted for services.

Compliance Status: PPCSD ensures that Birch Youth have opportunities to attend and to benefit from any of the three Transition Programs available in the district. Students and families can visit and tour the transition programs throughout the school year and

information on each is available during the district's annual Transition Fair. Programs include the following:

The Providence Transition Academy, in partnership with Education in Action, is a unique project that offers comprehensive real-world transition services to students with disabilities ages 18-21. This program prepares students to successfully transition to employment, independent living, and community participation. Students learn in a non-profit business setting located within the City of Providence while simultaneously participating in work-based community internships and experiences. The Academy utilizes a transition curriculum and career exploration program and is designed to engage and empower young adults to recognize their value and potential while achieving their post-secondary goals to become productive and independent citizens. A total of 18 students applied, were accepted and attended during the 2018-2019 school year. Thirty-four students applied during the current 2018-2019 academic year, 18 were accepted and are attending the project.

Project SEARCH at PPSD has been offered to Providence students since the start of the 2014-15 school year. Project Search is a collaboration with PPSD, the state Office of Rehabilitative Services (ORS), the Miriam Hospital and other partner agencies. In this program, students with significant disabilities learn successful work habits and appropriate social conduct through unpaid internships that are designed to immerse them in a workplace setting. Nine individuals were accepted into Project Search during the current 2018-2019 academic year, a slight increase in the numbers participating in the program during each of the previous three years. Project SEARCH Providence is located at The Miriam Hospital in Providence.

The Providence Autism School to Tomorrow Academy (PASTTA) is a specialized program for students with Autism Spectrum Disorder who need support in acquiring the necessary skills to transition to adult life. Students are between 18 and 21 years old and must have completed four years of high school. PASTTA offers instruction and skill development through participation in vocational, social, recreational, and independent living activities within the greater Providence community. Using the web-based "Unique Learning System," a research based standardized curriculum specific to students with disabilities, all students participate in activities that support growth in workplace skills, self-advocacy, setting goals and achieving goals, travel training, and responsible citizenship. Recognizing that students with Autism Spectrum Disorder learn best when learning takes place in "real world" settings, the Academy provides experiences for students in all aspects of community life that adults "typically" experience during the year. No attendance numbers were available for this program.

Assessment: Substantial Compliance Achieved.

VIII(11) Benchmark 10 PPSD/State – Access to a High School Diploma: The State and PPSD shall issue a directive that Birch youth in transition shall be provided all opportunities to earn credentials based on the RI Secondary Education Regulations 2011 and not be unnecessarily or unjustifiably excluded from the opportunity to receive a high school diploma as a result of their participation in the Birch program.

Standard/Criteria: Evidence of a dated directive issued by PPSD and/or RIDE affirming that the terms of this requirement have been fulfilled.

Compliance Status: All Birch youth in transition are provided opportunities to earn credentials based on the RI Secondary Regulations and are not excluded from the right to earn a diploma based on their participation in the Birch Academy. PPSD's Graduation Requirements policy was amended and approved on August 23, 2017. The new policy states the Providence School Board's belief that all students can and should learn at high levels, and that it is incumbent on the District to provide the structures, tools and supports necessary to enable all students to realize their potential. Students who are determined to be eligible for the alternate assessment under federal law, state rules and regulations, as noted in the student's Individualized Education Plan (IEP), may receive a diploma by meeting graduation requirements through modified curriculum and proficiency standards. Students can meet any and all of the course requirements through courses within state-approved career and technical programs, expanded learning opportunities, dual enrollment, concurrent enrollment, online learning, experiential learning opportunities, and other non-traditional academic readiness learning experiences as defined and approved by the District. PPSD's Graduation Requirements Policy can be accessed at the following URL:

<https://www.providenceschools.org/cms/lib/RI01900003/Centricity/Domain/120/Graduation%20Policy-Amended%20and%20Approved-8.23.2017.pdf>. All Birch students are earning diplomas and receiving certificates.

Assessment: Substantial Compliance Achieved

G. TRAINING SECTION IX.

§IX(1) Benchmark 1 State/PPSD – Development of a competency-based values based training program: By October 1, 2013, the State and PPSD will establish competencies, and will develop and implement a competency-based and value-based training program for TTP and Birch staff respectively, and all members of employment planning teams as defined under Section VIII, and for youth service professionals, for the development of vocational assessment/profiles, career development plans, and transition plans; job development, job coaching, employment support, benefits counseling, and Supported Employment and

Integrated Day Services; intake and vocational rehabilitation services; and service coordination.

Standard/Criteria: Evidence that required competencies have been developed and are included in the curriculum of a competency-based values-based training program that addresses: the development of vocational assessment/profiles, career development plans, and transition plans; job development, job coaching, employment support, benefits counseling, and Supported Employment and Integrated Day Services; intake and vocational rehabilitation services; and service coordination.

Compliance Status Benchmark 1a - PPSD: PPSD ensures teachers, teacher assistants, CTALs (job coaches), and other staff members receive ongoing training and professional development. Weekly training sessions offered during common planning times address the provision of career development planning, transition services and plans, job development, job coaching supported employment and process to obtain benefits counseling. Through the district assessment process, teachers are evaluated and monitored for proficiency in the items listed. A Performance Improvement Plan (PIP) process is provided to support teachers and staff members to strengthen their skills in any areas in need of improvement. Professional development training sessions include:

Student-Led IEPs: Provides special education secondary teachers with strategies for assisting students learn how to facilitate their own IEP meetings.

Standardizing Procedures for Secondary Special Education Teachers (three 2-hour sessions): Supports special education secondary teachers with programming, procedures, policies, and best practices.

Instructional/evaluative tools for teachers of students on alternate assessment (three 2-hour sessions): Training on the statewide Alternate Assessment aimed at increasing the knowledge base of the Unique Learning System.

Transition - Writing CDPS, MAPS, and IEPs (2-hour session): Support special education secondary teachers with strategies for properly completing MAPS and CDPS, and using them to drive the IEP.

Youth Mental Health- Signs of Suffering: Understanding Common Mental Health Conditions in Youth (1.5 hours): Training provided to staff on the most common mental health conditions seen in youth, early identification, recognizing signs of emotional suffering and strategies for providing appropriate supports in healthy and supportive learning environments. Focus is on increasing knowledge and reducing stigma and discrimination related to mental health and wellness.

Youth in Distress: Anxiety & Depression: Healthy Strategies to Assist Youth in Managing Their Symptoms and Live a Happier Life (1.5 hours): Participants will learn

strategies to assist youth in the process of taking control of their symptoms, build healthy coping skills and feel empowered to live a happier life.

Managing Challenging Behaviors Associated with ASD (2 hours): Many individuals with ASD express their needs, wants or concerns with an array of behaviors rather than words. Due to deficits in speech and language, behaviors become their primary mode of communication. Training focuses on understanding the function of behavior, identifying challenging behaviors commonly exhibited by individuals with ASD and identifying strategies to support behavioral improvements in the home, community and workplace.

Resume Basics: Writing a Results Oriented Resume (2 hours): Strategies for assisting students develop resumes that highlight their experience and accomplishments in a way that is relevant to a prospective employer.

Communicating & Documenting with Clarity- Part 1 (2 hours): Provides guidance and instruction on appropriate ways to convey observations, document events and write case notes without bias using the three components of neutral communication (language, thinking & writing) as well as explore "I vs You" statements.

Communicating & Documenting with Clarity-Part 2 (2 hours): Training on the use of specific data recording tools currently employed by PPSD to assist job coaches in operationalizing the process of collecting data from the community-based work experiences.

Breaking Down A Job & Job Site Supports Fading (2 hours): Training for job coaches on conducting job analyses and task analyses and their use in the job-coaching process. Training addresses the essential role that a job analysis plays in the job matching, job carving and customized employment process and incorporates practical strategies on identifying and developing natural supports in the workplace. Job coaching techniques and strategies to assist in increasing worker independence and decreasing the need for professional supports are additionally covered.

Digging Into Discovery (2 hour): Discovery is discussed as a process of getting to know each individual in settings where they are most comfortable and as the foundation of all person-centered planning, self-determination and choice outcomes for individuals.

Sherlock Center – Benefits Counseling: Birch Academy staff receive training on the federal Work Incentives Program and benefits counseling through the Sherlock Center (See: <http://www.ric.edu/sherlockcenter/wi.html>). Staff provide benefits counseling information and brochures to families during students' annual IEP/CDP meetings. Benefits counseling is furnished students during the year they exit school by the Sherlock Center. Students and families are invited to meet with the benefits counselor. If the family and the individual accepts the offer the transition team sends the referral

to the Work Incentives program. The school arranges a meeting with the family and the benefits specialist meets with the family at the school.

Previous reviews: See the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.24).

Assessment PPSD: Substantial Compliance Achieved.

Compliance Status Benchmark 1b - State: TBD

Assessment State: TBD

§IX(2) Benchmark 2 State/PPSD - Staff trained to attain and retain identified competencies:

The State and PPSD will ensure that all persons involved in the discovery and assessment process, the preparation and implementation of career development plans, and the provision of Supported Employment and Integrated Day Services for members of the Target Populations have completed the necessary training, have attained and retain the required competencies, and are otherwise qualified (as specified in Section X) to perform their respective responsibilities with respect to employment services.

Standard/Criteria: Documentation that all persons involved in the discovery and assessment process, the preparation and implementation of career development plans, and the provision of Supported Employment and Integrated Day Services for members of the Target Populations have completed the necessary training, have attained and retain the identified competencies as required by this section.

Compliance Status 2a - PPSD: PPSD documents professional development training provided to staff in quarterly reports provided to the Monitor and DOJ. Training sessions during the past three quarters include: new form implementation (two-part), community employment and vocational assessments, person-centered planning and work incentives, assistive technology and strategies for community exploration and individual job search planning. Required competencies in each of these areas include the development of knowledge and understanding of employment first and supported employment core values, strategies for service and the use of technology. Additional curriculum topics include understanding the ADA, awareness of communication and learning styles, transportation benefits, family/provider supports and accountability. Teachers receive instruction on understanding of support practices for individuals with IDD, procedures and methods for protecting students' safety, health, and well-being, transition requirements and knowledge of transition services that may be needed to support post-secondary goals and to be incorporated in IEP. Instructional sessions additionally address state processes in use by ORS and BHDDH/DDD.

This provision was found to have been met by PPSD in past compliance reviews (see the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.24).

Assessment PPSD: Substantial Compliance Achieved.

Compliance Status 2b – State: TBD

Assessment State: TBD

H. OUTREACH, EDUCATION AND SUPPORT - SECTION X.

§X(1) Benchmark 1 PPSD/State – Development of an Outreach and Education Program: By September 1, 2013, the State and PPSD will develop an outreach, in-reach, and education program that explains the benefits of supported employment, that addresses concerns of families and perceived obstacles to participating in supported employment programs, and that is designed to encourage individuals with I/DD at TTP and Birch and their families to seek Supported Employment Services and to understand the objectives of the State and PPSD's Employment First Policy, receive benefits planning consultation, and participate in other related initiatives. As part of its outreach, in-reach, and education program, the State will educate individuals about the ways in which Integrated Day Services can complement employment in integrated settings, and will develop opportunities for individuals and families to learn about the benefits of Integrated Day Services. Furthermore, the program will provide the opportunity for individuals in the Target Populations to visit and observe integrated employment and day settings where individuals with I/DD receive Supported Employment and Integrated Day Services.

Standard/Criteria: The outreach, in-reach and education program developed by the State and PPSD addresses (or provides) the following:

- a. The benefits of supported employment,
- b. Concerns of families and perceived obstacles to participating in supported employment programs,
- c. The need to encourage individuals with IDD at TTP (Easter Seals of RI) and Birch and their families to seek Supported Employment Services and to understand the objectives of the State and PPSD's Employment First Policy,
- d. The importance of receiving a benefits-planning consultation, and participating in other related initiatives.
- e. The ways in which Integrated Day Services can complement employment in integrated settings,

- f. Opportunities for individuals and families to learn about the benefits of Integrated Day Services.
- g. The opportunity for individuals in the Target Populations to visit and observe integrated employment and day settings where individuals with IDD receive Supported Employment and Integrated Day Services.

Compliance Status: PPSD identifies several in-reach and outreach activities that are conducted regularly with parents and families addressing the afore mentioned areas, a through g above. These include annual Parent to Parent meeting and sharing sessions during which parents meet with the Special Education Supervisor and case manager to complete ORS and BHDDH applications and assist them in completing other forms that may be challenging. Parents are given benefits planning brochures as well as information packets on ORS and BHDDH services, guardianship (when appropriate), and the supports offered by the Rhode Island Parent Information Network this information is additionally provided at each annual IEP meeting. The annual parent meeting was last held on October 17, 2018.

In June of each year, parents are invited to attend parent to parent information sessions where they can speak with other Birch parents about their child's transition from high school to adult services and community work experiences. During these sessions parents meet with representatives from adult agencies, such as BHDDH/DDD, ORS, and RIPIN to receive information and have their questions answered. The most recent session was held on June 11, 2019. Parents are also given opportunities to meet with ORS and DDD representatives during coffee hours that are offered on a quarterly basis with the most recent meeting occurring on April 3, 2019.

PPSD holds additional meetings with parents to discuss work incentives and benefits counseling, as well as the opportunities available for them to receive this service, the use of the Supports Intensity Scale for determining BHDDH eligibility and, for students exiting within two years, the process for connecting with adult services from guest speakers from adult IDD agencies across the state.

PPSD was reported as meeting this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.25).

Assessment: Substantial Compliance Achieved

§X(2) Benchmark 2 State – Support of Peer to Peer Networks: The State will support personal networks and use family to family and peer to peer programs to link families and individuals

with IDD who obtain competitive employment with families and individuals with IDD at TTP and Birch, in order to explain the benefits and opportunities of supported employment.

Standard/Criteria: Documentation of the establishment of family to family and peer to peer programs, the numbers of families and the number of individuals participating, and the dates of participation.

Compliance Status: TBD

Assessment: TBD

I. PROVIDER CAPACITY - SECTION XI

§XI(1) Benchmark 1 PPSD/State – Provider Capacity: The State and PPSD will ensure that it supports and maintains a sufficient capacity to deliver Supported Employment and Integrated Day Services to individuals at TTP and Birch, including qualified supported employment providers and integrated day providers, consistent with the terms of this Interim Agreement.

Standard/Criteria Benchmark 1a PPSD: Evidence demonstrating that PPSD is supporting and maintaining a sufficient capacity to deliver Supported Employment and Integrated Day Services to Birch target population members.

Compliance Status: PPSD took affirmative steps to ensure it has sufficient numbers of trained staff to address the requirements of the ISA by taking on additional personnel to provide job development, job coaching and job training services. As noted in §XVI(n) below, PPSD has secured the following supported employment professionals: five teachers, eight job coaches, one job developer, and one vocational counselor. PPSD also developed relationships with community developmental disabilities services provider agencies including Perspectives and the Fogarty Center to expand its capacity to ensure individuals in the Birch Look Back population receive the supported employment training and assistance needed to become ready for employment.

PPSD was reported as meeting this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on May 19, 2017 (p.26).

Assessment: Substantial Compliance Achieved.

Standard/Criteria Benchmark 1b - State: Evidence that the State supports and maintains a sufficient provider capacity to deliver Supported Employment and Integrated Day Services to TTP and Birch (Look Back) target population members.

Compliance Status: TBD – State responsibility

Assessment: TBD

§XI(2) Benchmark 2 State – Provider Staffing Capacity: The State will ensure that the supported employment providers, integrated day providers and transition service providers have a sufficient array of trained staff, adequate staff supervision, appropriate policies and procedures, a quality improvement program, and the capacity to deliver Supported Employment and Integrated Day Services consistent with the terms of this Interim Agreement.

Standard/Criteria: Evidence of State agency (DDD, ORS and RIDE) policies and practices that are operational and in use to evaluate provider capacity and the ability of providers to maintain adequate levels of trained staff, staff supervision, quality improvement activities and supported employment and integrated day services consistent with the requirements of the ISA.

Compliance Status: TBD

Assessment: TBD

§XI(3) Benchmark 3 State – Provider Pre-Qualification Requirements: The State will establish, implement and enforce pre-qualification requirements for all Supported Employment and Integrated Day Services providers that supply services to individuals at TTP, consistent with the terms of this interim agreement. The State will establish, implement and enforce pre-qualification requirements for all Supported Employment and Integrated Day Services providers that supply services to individuals at Birch, consistent with the terms of this Interim Agreement.

Standard/Criteria: Documentation of prequalification requirements and the enforcement of prequalification requirements for all supported employment and integrated day services providers serving ISA target population members.

Compliance Status: TBD

Assessment: TBD

§XI(4) Benchmark 4 State/PPSD – Incentives through public-private partnerships: The State will create incentives to encourage the transition of individuals from TTP to integrated employment settings that meet the definitions and standards of Section V(D)- (E). The State will implement these incentives through public-private partnerships with persons with I/DD, family members, employers, and employment providers, and community organizations. The

State and PPSD will create incentives to encourage the transition of individuals from Birch to integrated employment settings that meet the definitions and standards of Section V(D)-(E). The State and PPSD will implement these incentives through public-private partnerships with persons with I/DD, family members, employers, and employment providers, and community organizations.

Standard/Criteria Benchmark 4a - State: Evidence documenting the State's implementation of public-private incentives to encourage the transition of TTP target population members to integrated employment settings.

Compliance Status: TBD

Assessment: TBD

Standard/Criteria Benchmark 4b PPSD: Evidence documenting PPSD's implementation of public-private incentives to encourage the transition of Birch target population members to integrated employment settings.

Compliance Status: As described above in Section VIII(10) Benchmark 9, PPSD established Project Search in collaboration with the Miriam Hospital in Providence and ORS at the beginning of the 2014-15 school year. During the current 2018-2019 academic year 9 Birch Target Population members are receiving training and support in learning effective work skills and habits as well as appropriate social conduct through unpaid internships. PPSD also has established a partnership with the Rhode Island Public Transit Authority to assist in helping students with disabilities to access public transportation to access integrated employment and community activities.

The intent of this provision is to incentivize and facilitate the establishment of relationships between PPSD and private organizations, businesses and other private entities that result in the creation of opportunities for Birch Target Population members to transition to integrated employment and community engagement. PPSD has established the two partnerships described above. The experiences and outcomes achieved by Birch Target Population members participating in Project Search has demonstrated the impact and importance of such public private partnerships. The District has not, however, ventured beyond the arrangement with Miriam Hospital in any substantive way, however. The intent of this provision is being addressed but the full potential of this approach is not being realized. It is recommended that PPSD, in collaboration with ORS and DDD take steps to establish similar relationships with additional businesses and private organizations.

Assessment: Substantial Compliance Achieved.

§XI(5) Benchmark 5 State – Monitoring Oversight and Technical Assistance: Supported employment providers shall use evidence-supported employment practices. The State will provide monitoring, oversight, and technical assistance to ensure supported employment providers have adequate staffing, organizational support and supervision, and use of effective business models to meet the goals and outcomes of this Interim Agreement.

Standard/Criteria: Evidence that supported employment providers use current and effective supported employment practices. Evidence that the State (DDD and ORS) provide monitoring, oversight and technical assistance to ensure providers have adequate staffing, organizational support and supervision, and use of effective business models.

Compliance Status: TBD

Assessment: TBD

§XI(6) Benchmark 6 State – Provider Requirements: The supported employment provider(s) used to transition individuals with I/DD from TTP and Birch into Supported Employment Placements will: (a) identify and promote Supported Employment Placements in state and federal agencies and in private industry on a statewide basis; and (b) develop relationships with public and private employers based on the benefits to businesses of hiring people with disabilities.

Standard/Criteria: Evidence from supported employment providers documenting their efforts to identify and promote Supported Employment Placements in state and federal agencies and in private industry on a statewide basis and to develop relationships with public and private employers based on the benefits to businesses of hiring people with disabilities.

Compliance Status: TBD

Assessment: TBD

§XI(7) Benchmark 7 State – Public and Private Sector Initiatives: The State will establish public and private sector initiatives to support the employment of individuals in the Target Populations.

Standard/Criteria: Documentation of public and private section initiatives to support the employment of ISA target population members.

Compliance Status: TBD

Assessment: TBD

§XI(8) Benchmark 8 State – Transition to Supported Employment: The State will develop procedures to require provider staff to assist in the transition of individuals from TTP to Supported Employment Services and Placements. The procedures will provide incentives and support to qualified providers of sheltered workshop services at TTP to convert their employment programs to support employment services once the terms and conditions of this Interim Agreement are met, at the expiration of this Interim Agreement. The State and PPSD will develop procedures to require provider staff to assist in the transition of individuals from Birch to Supported Employment Services and Placements

Standard/Criteria: As described by this provision

Compliance Status: TBD

Assessment: TBD

J. STATE AGENCY ACTIONS - SECTION XII.

§XII(1)&(2) Benchmark 1 State/PPSD – Technical Assistance Provider: By September 1, 2013, the State and PPSD will identify and pursue a contract with a technical assistance provider or, access the services of an existing technical assistance provider to provide leadership, training, and technical assistance to employment providers and to the State, PPSD, TTP, and Birch staff involved in assessing, planning, and providing Supported Employment and Integrated Day Services, in order to support the goals and outcomes of this Interim Agreement.

The technical assistance provider will assist and support employment providers to transition individuals, programs, staff, and resources from the sheltered workshops at TTP and Birch to Supported Employment and Integrated Day Services meeting the definition and standards set forth in Sections II(11), V, and VI of this Interim Agreement

Standard/Criteria: Documentation of the providers or organizations that that were secured to provide required technical assistance. Documentation that the assistance and training provided address the areas described at section XII(2).

Compliance Status: PPSD receives technical assistance and training from the Sherlock Center, RIDE, FedCap, West Bay Collaborative, RIPIN and others. RIDE provides PPSD and all other LEAs with statewide training and technical assistance. ORS offers training on accessing ORS services, benefits counseling and other topics. Additional training is received through arrangements with state agencies such as RIPTA.

Specifically, The Sherlock Center furnishes support, professional development, and resources to parents and staff on programs and initiatives; RIDE provides training and oversight related to educational policy and procedures; FEDCAP offers training to job coaches and teachers, RIPTA furnished transportation to students to events such as Dare to Dream and offers families and students information about their services at transition fairs. The West Bay Transition Collaborative assists students in narrowing their career choices or job focus through meetings with ORS and by completing vocational assessments. RIPIN provides supports and resources to assist individuals, parents, families, and children in achieving their goals for health, education, and socio-economic well-being by providing information, training, education, support, and advocacy for person/family centered care and system change.

PPSD and the State were reported having met this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.28).

Assessment: Substantial Compliance Achieved

K. INTERAGENCY COLLABORATION - SECTION XIII.

§XIII(1) Benchmark 1 State - Interagency Agreements: By September 1, 2013, the State will develop and implement one or more interagency agreements or memoranda of understanding between BHDDH, ORS, and RIDE designed to ensure the full implementation of this Interim Agreement that addresses:

- a. Allocation of responsibility, funding commitments, and authority for conducting and ensuring the quality of all requirements of this Interim Agreement, including career planning, transition planning, outreach, in-reach, and education, training and professional development, Supported Employment and Integrated Day Services, and data collection, sharing, and reporting;
- b. The achievement of supported employment outcomes through coordination and collaboration between BHDDH, ORS, and RIDE;
- c. The compatibility of ORS and RIDE services with services funded through BHDDH by clarifying and streamlining interagency procedures and allowing for the blending and braiding of funding; and service gaps resulting from the transition from one funding stream to another funding stream, e.g. ORS funding to BHDDH funding, or special education funding to ORS funding, enabling individuals with I/DD to maintain uninterrupted integrated employment without unnecessary delays in services;
- d. Individual tailoring of the vocational rehabilitation assessment and job placement activities to serve people with the most significant disabilities, including individuals at

TTP and Birch, who are eligible for ORS funding; and

- e. Coordinated outreach and in-reach efforts to individuals in the Target Populations conducted by vocational rehabilitation counselors and BHDDH representatives.

Standard/Criteria: The completion and implementation of one or more interagency agreements between BHDDH, ORS, and RIDE addressing all items identified at (a) – (e) above.

Compliance Status: TBD

Assessment: TBD

§XIII(2) Benchmark 2 State/PPSD – Memorandum of Understanding: The State will develop and implement a memorandum of understanding with PPCSD regarding any and all applicable funding issues, including but not limited to the costs of the Monitor, as well as the transition planning process set forth in Section VIII designed to ensure the full implementation of this Interim Agreement that will:

- a. Require ORS presence at Birch in order to collaboratively implement the Employment First Policy and related initiatives, and promote the presence and active engagement of vocational rehabilitation counselors on Birch employment planning teams and in planning meetings (including IEP meetings);
- b. Ensure the engagement of trained school transition specialists to assess and support students in transition to integrated supported employment;
- c. Require Birch special education staff and transition specialists to be trained to refocus transition services on supported employment instead of sheltered workshops, and to train special education directors and transition specialists on the requirements of the integration mandate of Title II of the ADA and Olmstead as applied to the youth transition planning process;
- d. Establish referral relationships with integrated, supported employment providers in Birch's immediate service area; and
- e. Adopt mutual agency policies and procedures to ensure that the requirements of the integration mandate of Title II of the ADA and Olmstead are applied to the youth transition planning process including to situational work assessments, trial work experiences, post-secondary employment goals and outcomes, and ongoing professional development.

Standard/Criteria: The completion and implementation of an interagency Memorandum of Understanding between the State and PPSD addressing each of the items identified at (a) – (e) above.

Compliance Status: PPSD and the State fully executed an MOU addressing the provisions of §XIII(2)(a)-(e) on April 3, 2019.

Assessment PPSD: Substantial Compliance Achieved.

Assessment State: Substantial Compliance appears to have been achieved - pending verification.

L. FUNDING - SECTION XIV.

§XIV(1) Benchmark 1 State/PPSD – Individual Allocations: The State and the PPSD shall ensure that all individuals in their Target Populations with a career development plan have an ongoing allocation from available funding/budgets that is dedicated to supports for gaining, maintaining, or improving employment outcomes and for integrated day services.

Standard/Criteria: Documentation of funding sufficient to ensure the provision of supports necessary to enable target population members to gain, maintain, or improve employment and integrated day service outcomes.

Compliance Status: PPSD and the State were reported having met this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.29). The lack of funding has not been identified as a barrier to ensuring the provision of supports necessary to enable target population members to gain, maintain, or improve employment and integrated day service outcomes.

Assessment: Substantial Compliance Achieved

§XIV(2) Benchmark 2 State/PPSD – Timely Funding of Services and Supports: The State and PPSD shall timely fund the services and supports necessary to comply with this Interim Agreement for the eligible members of their Target Populations according to the standards and timelines set forth in this Interim Agreement.

Standard/Criteria: Documentation that state funding is sufficient to ensure the provision of supports necessary to enable target population members to gain, maintain, or improve employment and integrated day service outcomes consistent with the requirements of this agreement.

Compliance Status: PPSD and the State were reported having met this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.29). The lack of sufficient funding for PPSD to carry out its responsibilities under the ISA has not been found to be a barrier to progress by the Court Monitor during previous reviews and reporting.

Assessment: Substantial Compliance Achieved

§XIV(3) Benchmark 3 State - Performance Based Contracts: The State shall develop and implement performance-based contracts for Supported Employment Services to individuals in the Target Populations, linking funding to the provider's achievement of numerical targets and implementation timelines.

Standard/Criteria: Documentation that the State has developed and implemented performance-based contracts for supported employment services.

Compliance Status: TBD

Assessment: TBD

§XIV(4) Benchmark 4 State - Enabling funding to Follow the Person: The State will reallocate resources expended on TTP to fund supported employment as individuals in the Target Populations transition from TTP to supported employment, in order to have funding "follow the person."

Standard/Criteria: Documentation that individual allocations for segregated day and vocational services furnished by TTP have shifted to fund supported employment services and placements.

Compliance Status: TBD

Assessment: TBD

M. QUALITY IMPROVEMENT - SECTION XV.

§XV(1) Benchmark 1 State - TTP Target Population Quality Improvement Program:

- a. The State will develop and implement a quality improvement initiative to ensure that individual, integrated Supported Employment Placements and Supported Employment and Integrated Day Services, as defined and described in Section V, are developed in accordance with this Interim Agreement; to evaluate the quality and

quantity of Supported Employment and Integrated Day Services provided to persons with IDD under this Interim Agreement; and to ensure that individuals who receive Supported Employment Placements and Integrated Day Services under this Interim Agreement receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.

- b. The State will establish detailed program standards for Supported Employment and Integrated Day Services that at least incorporate the definitions and standards set forth in Sections V-VI.
- c. Through its quality improvement initiative, the State will conduct on-site reviews of TTP at least monthly for the first year of this Interim Agreement and quarterly thereafter to evaluate the services provided to individuals with I/DD against the program standards described above. The need for continued quarterly review will be reevaluated after year 3 (three).
- d. The State will issue reports from each review describing its findings and recommendations, identifying any program deficiencies, and requiring a plan of correction, where appropriate. If a plan of correction is required, details of the plan's requirements will be included in the report.
- e. The State will conduct appropriate follow-up reviews to determine if plans of correction have been implemented and to ensure that any identified deficiencies have been corrected in a timely manner. The State will issue reports pertaining to any follow-up reviews.

Standard/Criteria Benchmark 1a: Evidence that DDD, ORS and RIDE have developed and are implementing one or more quality improvement initiatives to: (a) evaluate the quality and quantity of Supported Employment and Integrated Day Services as defined and described in Section V that are provided to persons with IDD under the ISA; and (b) ensure that ISA target population members receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.

Standard/Criteria Benchmark 1b: Evidence that DDD, ORS and RIDE have established one or more quality improvement initiatives with detailed program standards for Supported Employment and Integrated Day Services that at least incorporate the definitions and standards set forth in Sections V-VI.

Standard/Criteria Benchmark 1c: Evidence that DDD and ORS have and are conducting on-site reviews of TTP (Easter Seals) at least monthly for the first year of this Interim Agreement and quarterly thereafter to evaluate the services provided to

individuals with IDD against the program standards described above. The need for continued quarterly review will be reevaluated after year three (2016).

Standard/Criteria Benchmark 1d: Evidence that reports of quality reviews issued by DDD and ORS describe findings and recommendations, identify program deficiencies, and require, as appropriate detailed plans of correction.

Standard/Criteria Benchmark 1e: Evidence that DDD and ORS have (a) conducted appropriate follow-up reviews to determine that plans of correction were implemented and identified deficiencies were corrected in a timely manner, and (b) have issued reports pertaining to any follow-up reviews.

Compliance Status: TBD

Assessment: TBD

SXV(2) Benchmark 2 PPSD/State – Birch Transition and Exit Target Populations Quality Improvement Program:

- a. The State and PPSD will develop and implement a quality improvement initiative to ensure that individual, integrated Supported Employment Services and Supported Employment Placements, and Integrated Day Services as defined and described in Sections V-VI, are developed in accordance with this Interim Agreement for students at Birch; to evaluate the quality and quantity of Supported Employment and Integrated Day Services provided to persons with IDD at Birch under this Interim Agreement; and to ensure that individuals from Birch who receive Supported Employment Placements and Integrated Day Services under this Interim Agreement receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.
- b. The State and PPSD will establish detailed program standards for transition planning and services, career development planning, benefits planning, Supported Employment Services, and Supported Employment Placements, that at least incorporate the definitions, standards, and processes set forth in Sections V and VII-VIII.
- c. Through its quality improvement initiative, the State and PPSD will conduct on-site reviews of Birch at least monthly for the first year of this Interim Agreement and quarterly for two additional years to evaluate the services provided to individuals with I/DD against the program standards described above. The need for continued quarterly review will be reevaluated after year 3 (three).

- d. The State and PPSD will issue joint reports from each review describing its findings and recommendations, identifying any program deficiencies, and requiring a plan of correction, where appropriate. If a plan of correction is required, details of the plan's requirements will be included in the report.
- e. The State and PPSD will conduct appropriate follow-up reviews to determine if plans of correction have been implemented and to ensure that any identified deficiencies have been corrected in a timely manner. The State and PPSD will issue reports pertaining to any follow-up reviews.

Assessment Methodology: The approach used to assess substantial compliance with this provision included a review of relevant documentation from PPSD and RIDE regarding the organization and operation of PPSD's quality improvement initiative. The assessment included an examination of review of program records, monthly and quarterly reports and recommendations for changes and improvements. Information also was gathered through in-person discussions with PPSD's Executive Director of Specialized Instruction and Services on-site and over the telephone.

Standard/Criteria Benchmark 2a: Evidence that PPSD, DDD, and ORS have developed and are implementing one or more quality improvement initiatives in accordance with the ISA for students at Birch to: (a) evaluate the quality and quantity of Supported Employment and Integrated Day Services, as defined and described in Section V-VI; and (b) ensure that Birch target population members receive services and supports that are adequate and sufficient to achieve integration, increased independence, and increased economic self-sufficiency.

Compliance Status: The quality improvement requirements identified in this section provide a strong foundation for the successful implementation of the ISA furnishing the means and mechanisms by which PPSD is able to monitor progress, remediate deficiencies and offer additional training and support to needed to achieve ISA outcomes. PPSD staff recognized the importance of having an effectively working quality improvement program to evaluate service quality and to provide the information needed to ensure that the supports furnished to Birch Target Population members are adequate and sufficient to enable them to achieve community integration, increased independence, and increased economic self-sufficiency. The District began working collaboratively with RIDE to build its quality improvement capacity from the early stages of its implementation of the ISA.

PPSD began reviewing and analyzing information to determine the extent to which services were being provided in accordance with the provisions of the ISA in 2014. By November 2015 the Department had developed and was implementing its quality improvement initiative, the *Quality Assurance Plan for Implementation of the DOJ Interim*

Settlement Agreement. This plan provided a review structure, identifying the strategies and methods that PPSD uses to ensure the ISA is managed and implemented in a sound, reasonable and effective manner, the services are of acceptable quality and that identified ISA outcomes are being met. The Plan includes a four-point scale that is used to evaluate performance against key standards to determine or measure the extent to which: (a) the standard is clearly understood, (b) the standard is being implemented as required, (c) implementation strategies are producing accurate results and, (d) fidelity to implementation is observed consistently and effectively. The Plan lists a series of standards drawn from the ISA in each of five principle areas including: career development planning implementation, person centered practices, supported employment services, job trials, and transition planning. The assessment is completed for each of the five areas listed above resulting a status rating ranging from one to four with four being the highest.

Quality improvement reports including reviews for each student are completed quarterly and identify: the assessment approach or tool being used, the date of each review, areas of strength, areas of need, next steps, describing actions that will be taken to address deficiencies or implement improvements, and notes providing additional information. Joint RIDE/PPSD on-site monitoring reports have been submitted on a quarterly basis to the State Coordinator, although that practice appears to have been discontinued.

The Court Monitor's report covering the period July through December 2014 (issued April 1, 2015) noted that PPSD was actively reviewing and analyzing information to determine the extent to which services were being provided in accordance with the requirements of the ISA, although not as a part of a discrete quality improvement initiative at this time. Continued progress on the development of the PPSD's quality improvement capacity was noted in the Monitor's report issued in January 2016 (ECF Document 10) which found that PPSD had established processes for reviewing and analyzing information to determine the extent to which services were being furnished in accordance with the provisions outlined in Section XV(2)(a)-(b). The report concluded that activities were being carried out in a manner that was consistent with the requirements of the ISA. Subsequent progress reports filed with the court by the Monitor documented PPSD's regular and ongoing evaluation of the quality of services and supports being furnished to Birch Target Population members, with reviews conducted on February 22, 2016 and on April 6, 2017. As a result, PPSD and the State (RIDE) were determined to have met this requirement in May 2017 (see the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17; p.33).

The current review finds that PPSD is implementing an effectively working quality improvement program for Birch Target Population members and is in substantial compliance with this provision.

Assessment: Substantial Compliance Achieved

Standard/Criteria Benchmark 2b: Detailed program standards for transition planning and services, career development planning, benefits planning, Supported Employment Services and Supported Employment Placements, that (at least) incorporate the definitions, standards, and processes set forth in Sections V and VII-VIII have been established and are in use.

Compliance Status: PPSD's *Quality Assurance Plan for Implementation of the DOJ Interim Settlement Agreement*, described above, includes detailed program standards for career development planning, person-centered processes, supported employment services, job trials, and transition planning. PPSD does not provide supported employment placements since this service is furnished by ORS and DDD. Job trials are provided to give Birch Target Population members employment related experiences, skills and training opportunities to prepare them for securing a supported employment placement following their transition to adult services.

PPSD's Quality Assurance Plan does not evaluate or include standards for benefits planning services. PPSD staff note that benefits planning consultations and the development of benefits plans are scheduled and provided by ORS and the Sherlock Center. The role of the school is described as offering general information and consultation to students and families regarding the purpose of and need for benefits planning, and to make referrals to ORS and the Sherlock Center for this service as the individual completes the transition process. PPSD maintains documentation of the information that is being provided regarding this service including summary of benefits planning activities, resource guide for teachers, information on the WIPA program from the Sherlock Center, information on SSI, work incentives and PASS program participation, and documentation of work incentives public information sessions that have been offered by ORS.

As noted above, PPSD's Quality Improvement Plan includes detailed program standards in each of five key program areas including, career development planning, person centered processes, supported employment services, job trials and transition planning. Standards reference key ISA requirements and provisions under each area. PPSD does not include standards for assessing the delivery of benefits planning and counseling within the scope of its quality improvement procedures. However, the evidence that PPSD has provided documenting the education and assistance that it has provided to parents and the referrals it has made to ORS for this service support the

conclusion that PPSD is carrying out the intent and focus of ISA requirements in this area.

PPSD and the State were determined to have met this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on May 19, 2017 (p.34).

Assessment: Substantial Compliance Achieved.

Standard/Criteria Benchmark 2c: Evidence that PPSD and RIDE are conducting on-site reviews of Birch to evaluate services provided to individuals with IDD against the program standards described above on a quarterly basis.

Compliance Status: PPSD documentation provides evidence that monitoring reviews are being completed on a quarterly basis in 2016, 2017 and 2018 with the involvement of RIDE and ORS. Quarterly Progress Updates addressed career development planning, person-centered planning, supported employment services, trial work experiences, and transition planning. On-site visits by the Monitor included student observations held at Project Search trial work sites at an area hospital. RIDE's monitoring activities address areas of the ISA requiring technical assistance from the department. Quarterly summaries of QI activities are included in the *Rhode Island Department of Education Birch Quarterly Monitoring- ISA Requirements* report. Progress Updates summarized in this report document progress made and issues encountered with respect to several ISA provisions including quality improvement. The reports identify deficiencies, gaps and needs for technical assistance. Evidence provided to the Monitor indicates that PPSD and RIDE are conducting on-site reviews to evaluate the services provided to individuals with IDD against the program standards described above on a quarterly basis. PPSD and RIDE were determined to have met this requirement in the Report of the Court Monitor on Rhode Island's Interim Settlement Agreement Compliance; ECF Document 17 filed with the Court on 5/19/17 (p.34).

Assessment: Substantial Compliance Achieved.

Standard/Criteria Benchmark 2d: Documentation and evidence that the State and PPSD issue joint reports from each review describing its findings and recommendations, identifying any program deficiencies, including those requiring a plan of correction, where appropriate.

Standard/Criteria Benchmark 2e: Evidence in the form of reports and review summaries issued by the State and PPSD indicating that the agencies are conducting appropriate follow-up reviews to determine if plans of correction have been implemented and identified deficiencies have been corrected as required.

Compliance Status Benchmarks 2d and 2e: PPSD and RIDE assess the quality of services furnished to Birch Target Population members at PPSD on a quarterly basis and provide reports detailing their findings and recommendations or next steps. Although separate reports are provided it is clear that the State and PPSD are coordinating activities and sharing information. PPSD's *Quality Assurance Plan for Implementation of the DOJ Interim Settlement Agreement Year 2017-2018 Providence School Department* documents performance against the standards identified above. Reports are issued quarterly using the four-point scale described under Benchmark 2a above to assess performance across each of the five key program areas: career development planning, person-centered processes, supported employment services, trial work experiences and transition planning. Data is provided on the assessment tool or approach used, the name of the evaluator and the dates that the reviews have taken place for each quarter. For each of the five areas area, reviewers identify strengths or outcomes that have been achieved, needs that must be addressed, action plans describing activities that will be taken to improve performance in the particular area being addressed and a timeline indicating the period of time during which changes or improvements will take place and related dates. PPSD has taken additional actions to ensure that the follow-up activities identified as next steps reflect the needs that have been identified. The strengths, needs, action plans and timelines included in PPSD's quality improvement format provide the essential components of the "plan of correction" that is required by the ISA in this section.

Assessment: Substantial Compliance Achieved

N. DATA COLLECTION AND REPORTING - SECTION XVI.

§XVI(1)&(2) Benchmark 1 PPSD/STATE – Data Collection And Monitoring: The State and PPSD shall respectively monitor the monthly progress of implementation of this Interim Agreement through data collection, data analysis, and quality improvement activities.

The State and PPSD shall collect data and report on a monthly basis for the first year of this Interim Agreement and quarterly thereafter the following unduplicated data for individuals with I/DD in the Target Populations:

Standard/Criteria Benchmark 1 State and/or PPSD: Certification from RIDE, DDD, ORS and PPSD, as appropriate, that each agency is gathering and reporting the following data as required. Verification that the data is being gathered and reported:

- a. State/PPSD. The number of career development plans in place for members of the Target Populations;
- b. State/PPSD. The number and reason for any readmissions to the TTP and

Birch sheltered workshops;

Status: The sheltered workshop at PPSD was closed shortly after the signing of the ISA (see above). No readmission has taken place.

c. State. The number of individuals moving from TTP or Birch to another sheltered workshop setting, center-based day services setting, group enclave, mobile work crew, time- limited work experience (internship), or facility-based day program, or other segregated setting, the reasons for such moves, and the number of variances granted;

d. State. The number, hours worked, wages earned, age, and tenure of all individuals at TTP and Birch;

e. State/PPSD. The number of individuals referred to and receiving Supported Employment Services as defined in Sections V(A)-(C), and from which setting, TTP or Birch, they have been referred;

Status: Provided and tracked by the State by agreement (see §IV[9][a]-[e]).

f. State/PPSD. The number of individuals working in Supported Employment Placements as defined in Section V(D)-(E);

Status: Provided and tracked by the State (see §IV[9][a]-[e]).

g. State. The number of hours worked per week, hourly wages paid, and tenure of all members of the Target Populations in an integrated employment setting, excluding any of the service settings set forth in Section V(K);

h. State. The number of hours spent per week, and tenure of all individuals in the Target Populations receiving integrated day services, including the name of that service setting, the provider of Integrated Day Services, and the specific activity(ies) that the individual is engaged in (i.e., art classes, health club, etc.);

i. State. The number and reason(s) for lost jobs and/or terminations from employment along with plans for re-employment;

j. PPSD. The number of youth in transition at Birch who have vocational objectives;

k. PPSD. The number of youth in transition at Birch exiting or graduating, or otherwise expected to exit or graduate this year, their career planning goals, and where they transition to following their exit;

l. State. The number and client capacity of supported employment providers providing services to the Target Population;

m. State. The number and client capacity of integrated day providers providing services

to the Target Population;

- n. State/PPSD. The number of qualified and trained individuals for each category of supported employment professionals, including job coaches, job developers, employment specialists, and benefits counselors providing services to the Target Population;
- o. PPSD. The number of qualified and trained individuals who develop assessments and transition plans for youth with I/DD at Birch and who participate on employment teams; and
- p. State/PPSD. The number of qualified and trained vocational counselors who assess and assist persons with IDD for Supported Employment Services at TTP and at Birch; and
- q. State/PPSD. The number of in-reach, out-reach, and education programs and efforts offered to the Target Population(s).

Compliance Status: PPSD routinely provides quarterly reports that include data on the requirements in Sections XVI(2)(a), (e), (f), (j), and (k). PPSD has been determined to be in compliance with these provisions in the Monitor's previous reports. Data related to requirements identified in Sections XVI(2)(n), (o), (p), and (q) have not been provided on a quarterly basis but are and have been available on request. Although the information has not been reported quarterly as required, the numbers of trained staff in the categories included in §XVI(2)(n), (m), and (o) do not typically change over the course of the year. Information on staffing and staff support has always been available to the Monitor for review and is sufficient to meet the requirements of the ISA. See Table 6 below for a summary of the information provided).

PPSD has not routinely provided data on the numbers of in-reach, out-reach and education programs being provided consistent with the requirements of §XVI(2)(n). While some of this information is offered in the Department's quarterly reports, it is recommended that PPSD provide a mechanism for clearly labelling and tracking the various in-reach, outreach and education programs that it is providing to parents each year as required.

Table 6	
Status of Compliance with ISA §XV(1)&(2):	Status
(a.) The number of career development plans in place for members of the Birch Target Population.	Data is routinely provided in PPSD's Quarterly Report. The February 2019 Quarterly Report indicates that 51 of 51 individuals (100%) have current CDPs.
(b.) The number and reason for any readmissions to the TTP and Birch sheltered workshops.	The sheltered workshop at PPSD was closed shortly after the signing of the ISA (see above). No readmission has taken place.
(c.) The number of individuals moving from TTP or Birch to another sheltered workshop setting, career-based day services setting, group enclave, mobile work crew, time limited work experience (internship), or facility based day program or other segregated setting, the reasons for such moves, and the number of variances granted.	Zero individuals moved from Birch to another sheltered workshop setting, center-based day services setting, group enclave, mobile work crew, time-limited work experience (internship), or facility-based day program, or other segregated setting. No variances have been granted;
(d.) The number, hours worked, wages earned, age and tenure of all individuals at TTP and Birch	The number, hours worked, and wages earned are provided and tracked by the State (see §IV[9][a]-[e]). The tenure of Birch Target Population members are tracked by PPSD's Quarterly Report. Currently 51 Birch Target Population members are receiving services at PPSD.
(e.) The number of individuals referred to and receiving Supported Employment Services as defined in Sections V(A)-(C), and from which setting, TTP or Birch, they have been referred;	Reported quarterly in PPSD's Quarterly Report. During the most recent quarter ending February 2019 all 51 individuals (100%) were receiving supported employment services each averaging overall 38.07 hours for the quarter.
(f.) The number of individuals working in Supported Employment Placements as defined in Section V(D)-(E);	Provided and tracked by the State (see §IV[9][a]-[e]).
(j.) The number of Youth in Transition at Birch who have vocational objectives	Reported quarterly in PPSD's Quarterly Report. During the most recent quarter ending February 2019 all 51 Youth in Transition (100%) have a CDP with vocational objectives.
(k.) The number of youth in transition at Birch exiting or graduating, or otherwise expected to exit or graduate this year, their career planning goals, and where they transition to following their exit;	Reported quarterly in PPSD's Quarterly Report. During the most recent quarter ending February 2019, 11 individuals were identified as exiting school in June 2019.
(l) The number and client capacity of supported employment providers providing services to the Birch Target Population. <i>Note:</i> By agreement employment placements are Provided and tracked by the State (see §IV[9][a]-[e]).	PPSD contracts with Perspectives Corporation to provide the necessary supportive employment services & trial work experiences.
(n.) The number of qualified and trained individuals for each category of supported employment professionals, including job coaches, job developers, employment specialists, and benefits counselors providing services to the Target Population;	Supported employment professionals include: Job Developer – 1 Job coaches – 8 Vocational rehabilitation counselor - 1 Employment Specialists are provided by BHDDH

	Benefit Counselors are provided through ORS
(o.) The number of qualified and trained individuals who develop assessments and transition plans for youth with I/DD at Birch and who participate on employment teams; and	Vocational Counselor - 1
(p.) The number of qualified and trained vocational counselors who assess and assist persons with IDD for Supported Employment Services at TTP and at Birch.	Vocational Counselor - 1
(q.) The number of in-reach, out-reach, and education programs and efforts offered to the Target Population(s)	Parent to parent sharing 1 time/year. Parent coffee hour 4 sessions/year. Meetings with parents about SIS funding methods and practices 1/year. Parents are invited to hear from adult service providers about services and supports provided 1/year. FEAT Program

Assessment: Substantial Compliance Achieved

§XVI(3)(a)&(b) Benchmark 2 State - Data Collection and Analysis

- a. The State will regularly collect, aggregate, and analyze data described above, will identify problems or barriers to placement in or retaining jobs in individual, integrated employment settings, and will recommend to the Directors of BHDDH - DDD, RIDE, and ORS remedial actions to resolve the problems or barriers. The State will review this information on a monthly basis for the first year of this Interim Agreement and quarterly thereafter and develop and implement effective measures to overcome the problems and barriers identified; and
- b. The State will analyze service data, monitor services and service gaps, report on any service gaps, and identify and address any obstacles to the implementation of the goals and outcomes of this Interim Agreement.

Criteria Benchmark 2a: The State reports, presentations and other documentation to indicating that data identified in §XVI(2) above and elsewhere in the ISA is regularly collected, aggregated, analyzed, utilized to improve services, and reported as required by this section.

Criteria Benchmark 2b: Documentation indicating that data is being collected, analyzed and utilized to identify and address service gaps and obstacles to ISA implementation as described in this section.

Compliance Status: See RIDE Quarterly Reports and anything from PPSD

Assessment: TBD

IV. SUBSTANTIAL COMPLIANCE DETERMINATION

The ISA was entered into by the Parties to resolve violations by the City of Providence and the State of Rhode Island of Title II of the ADA and the Integration Mandate included in the Supreme Court's *Olmstead* Ruling (see above). The Agreement requires the State and the City to make broad changes in the administration of their respective adult services and educational systems to ensure individuals with disabilities: receive supports in the most integrated settings appropriate to their needs; have opportunities to interact with nondisabled individuals to the fullest extent possible; and are able to experience equality of opportunity, full participation, independent living and economic self-sufficiency. Additional goals of the Settlement Agreement focus on the core interests and experiences of class members with goals that seek to achieve for each individual the ability to live, work and participate in the mainstream social life of their own home communities with their families and friends – alongside everyone else.

This comprehensive review found that PPSD is in substantial compliance with the provisions and requirements of the Interim Settlement Agreement. Additional scrutiny was given to two provisions and benchmarks of the ISA having to do with transition planning for youth. The first, referencing ISA Section VIII(4)(c), found that PPSD is not ensuring that a comprehensive introduction to or enrollment in State services is regularly occurring before the year in which a student turns 16 years of age and with the assistance of the employment planning team. PPSD provides information on the nature and availability of state services during each annual IEP/CDP meeting and routinely notifies ORS and DDD of the dates and times that meetings are scheduled at the beginning of the school year and again in the weeks prior to the meeting. Although there is some disagreement between PPSD, ORS and DDD regarding notification and actual meeting participation, data from PPSD records suggests that representatives from ORS and DDD are not routinely participating in these meetings until students reach the 18 or 19 years of age.

The City has documented its efforts to notify ORS and DDD of all scheduled planning meetings as required, but the form of notification has not clearly asked parents if they would like to have state representatives attend the meeting. The responsibility for promoting attendance at these meetings is shared among PPSD and the two state agencies. PPSD must determine the preferences of parents and notify DDD and ORS whether or not their attendance has been requested at each IEP/CDP meeting. DDD and ORS must then ensure that relevant staff attend and participate in the meetings as requested. To fully implement this requirement PPSD and the State agreed to immediately implement two recommendations from the Monitor. First, that

PPSD change the form announcing IEP/CDP meetings to request parents to clearly state whether they would or would not like an ORS and/or DDD representative to attend the meeting. A new parental notification form including the recommended language was developed, approved by the Monitor and the Plaintiff and adopted by PPCSD for immediate implementation. The second recommendation was that PPCSD (and RIDE for other LEAs across the state) include with the IEP/CDP meeting invitation information on the services and supports furnished by ORS and DDD to ensure that parents understand what the two state agencies might be able to provide by attending the meeting. PPCSD and the State have indicated that they are making these changes. PPCSD has reliably carried out the assurances that it has made to implement changes required by the ISA since the agreement was signed in 2013. In light of PPCSD's commitment to continue and expand on its current efforts to meet the requirements of this provision, it is my judgement that PPCSD is in substantial compliance and has taken the steps necessary to maintain compliance with this requirement in the years ahead.

The second area where substantial compliance was a concern pertains to the ISA Section VIII(6) requirement that each Birch Target Population member receive at least two trial work experiences of not less than 60 days each prior to exiting services. As noted above in the discussion of compliance with this requirement, trial work experiences play a key and critical role in preparation of individuals with IDD to achieve integrated employment and the opportunity to work alongside individuals without disabilities in the competitive workplace. Qualitative reviews and reporting demonstrate that PPCSD has provided the majority of students with at least two 60-day trial work experiences that match students' skills and interests prior to exiting school as required. However, PPCSD has experienced difficulty in its efforts to ensure that 100% of the Birch Target Population achieve this benchmark. The City identified the types of barriers that are encountered and described the efforts that are being taken to overcome them individually for each student and for the target population as a whole. The Defendants and the Plaintiffs agree on the importance of the role that trial work experiences play in target population members' successful transition to from school to employment and adult services.

PPSD has taken steps to meet the requirements of §VIII(6) and, as stated above, I believe that the City is in substantial compliance with this provision at this time. Because of the importance of this provision, however, I recommend that the City take further actions to develop and implement a detailed policy that sets service expectations and provides guidance for ensuring students with mobility challenges receive the assistance they need to fully access and participate in trial work experiences in integrated competitive employment settings as described in ISA §VIII(6).

I. ACTION DATES

1. The R.I. Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (DDD) will implement the variance and retirement policy by June 30, 2017, to discern specifically those who do not identify with either current or long-term employment goals. The R.I. Department of Human Services, Office of Rehabilitation Services (ORS) will assist DDD with ORS-related service implementation.

Compliance Status: TBD

Assessment: TBD

2. DDD will ensure quality Career Development Plans (CDP)/ Person Centered Planning (PCP) for all active members through a comprehensive review of each plan no later than July 30, 2017. This review will include confirmation that goals and services align with current employment interest. ORS will assist DDD with any ORS-related service implementation for CDPs/PCPs.

Compliance Status: TBD

Assessment: TBD

3. DDD will prioritize placement through its performance-based Person Centered Supported Employment Program (PCSEPP) for all interested active class members before June 30, 2017. This will include outreach to each member identified in this order as not employed (46) to confirm interest in participation or satisfaction with their current supported employment services through the PCSEP Program.

Compliance Status: TBD

Assessment: TBD

4. DDD will provide continued oversight of the CWS quality management plan, in compliance with the requirements of the ISA and Consent Decree, as well as technical assistance in the areas of supported employment, integrated day, CDP development, and staff training on person centered planning. ORS will assist DDD with quality management and review on ORS-related services.

Compliance Status: TBD

Assessment: TBD

5. DDD will develop guidance and standards for integrated day service by June 30, 2017. This guidance will be reviewed internally and externally and will be disseminated through the provider network no later than July 30, 2017.

Compliance Status: TBD

Assessment: TBD

6. DDD will require completion of Personal Action Towards Health (PATH) and McGill Action Planning Systems (MAPS) for all Birch and TTP members at CWS who have not been provided this self-discovery opportunity by July 30, 2017.

Compliance Status: TBD

Assessment: TBD

7. DDD will have a fully developed interim and long-term quality improvement plan, in accord with the requirements of the ISA and Consent Decree, complete with timelines and strategies by July 30, 2017. ORS will assist DDD with implementation and monitoring on ORS-related services.

Compliance Status: TBD

Assessment: TBD

8. DDD will complete an in-depth review of all ISA class members by 6/30/17 to ensure the validity of data reported from multiple sources.

Compliance Status: TBD

Assessment: TBD

9. DDD will amend its contract with Sherlock Center to include \$50,000 for FY18 for the purpose of benefits planning.

Compliance Status: TBD

Assessment: TBD

II. PLACEMENT STATUS - No Action required

III. COMPLIANCE DATES

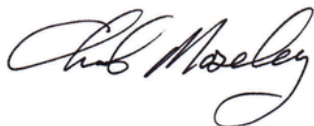
The State expects to place thirty-one (31) individuals, or two-thirds of those requiring employment placements, within twelve months. Of these thirty-one (31) placements, the State's goal is to place fifteen (15) individuals within 6 - 9 months and another sixteen (16) within the twelve-month period. The remaining fifteen (15) individuals, or one-third of the forty-six (46) requiring action, are likely to occur after twelve months.

For each individual, the State will demonstrate its provision of person-centered planning, job exploration, discovery, work trials, and vocational supports that align with the individual's preferences and needs. Data, including outcomes, regarding the forty-six (46) individuals, will be made available on a quarterly basis. The State will identify the specific individuals not placed within twelve months on a confidential basis and the reasons for lack of placement, if necessary. The Court will later address a definitive timeframe for any individuals who have not been placed within twelve months.

Compliance Status: TBD

Assessment: TBD

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley", with a stylized, cursive script.

Charles Moseley Ed.D.
Court Monitor
August 20, 2019