

THE UNIVERSITY OF IOWA



March 19, 1992

Clerk of Court
United States District Court
District of Wyoming
P.O. Box 727
Cheyenne, Wyoming 82003

Re: Weston, et al., vs. Wyoming State Training School, et al.,
Civil Action No. C90-0004

Dear Clerk:

Enclosed for filing in the above-referenced case are the parties' Six-Month Reports. Both documents are dated March 13, 1992, one authored by the Protection and Advocacy System, Inc. and the other by the Governor's Office (letter with attached report). Please file the original and return a file-stamped copy to me in the self addressed stamped envelope enclosed. Thank you.

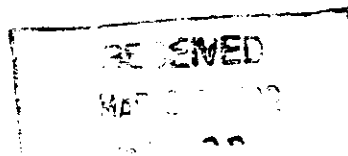
Sincerely,

Sondra B. Kaska

Sondra B. Kaska & Peter Blanck
Compliance Advisory Board

Enclosures

cc: Shirley Kingston
Michael Reese
Danny Wilde





STATE OF WYOMING
OFFICE OF THE GOVERNOR
CHEYENNE 82002

MIKE SULLIVAN
GOVERNOR

March 13, 1992

92Z.038

Jeanne Thobro, Executive Director
Protection & Advocacy System, Inc.
2424 Pioneer Ave.
Cheyenne, WY 82001

Peter D. Blanck, Ph.D., J.D.
The University of Iowa
College of Law, Room 431
Iowa City, IA 52242

Sondra Kaska, J.D.
DD/MI Clinical Law Project
College of Law
Iowa City, IA 52242

RE: Second Semi-Annual Report to the CAB

Dear Jeanne, Peter and Sonny:

Please find attached the Second Semi-Annual Report to the Compliance Advisory Board by the Parties, item No. 92Z.038. This Report encompasses information from the Departments of Education and Health, with a Summary written by the Governor's Liaison. The reports from WSTS, Department of Education and the Community Services portion of the Division of Developmental Disability are attached.

Where it is important for documentation, additional information is attached, in the case of Death Review and school-age transitions. I hope the CAB will carefully review this Report. I believe that it shows the tremendous accomplishments that are occurring in the State of Wyoming.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven E. Zimmerman".

Steven E. Zimmerman
Governor's Liaison Coordinator

SEZ:lc
Enc: a/s
xc: Distribution List

SECTION ONE

STATE OVERVIEW

SECOND SEMI-ANNUAL REPORT TO THE
COMPLIANCE ADVISORY BOARD BY THE PARTIES

92Z.038

Following the March 13, 1991 Stipulated Agreement between the State of Wyoming (State) and Wyoming Protection and Advocacy, Inc., (P & A) agreeing to settle the lawsuit filed on behalf of Anna Marie Weston, et al. vs. State of Wyoming, Wyoming State Training School, et al., Civil Action No. C90-0004, a Consent Decree because finalized on July 1, 1991, upon submission to the Federal Court.

The Consent Decree laid out a time-table for events and activities encompassing the period up to December 31, 1994. A total of 63 tasks require formal submission to (whom/what)? of information or procedures during the remaining period of the Consent Decree. Intensive work on the part of Departments of Education and Health, as well as other coordinating agencies, both in and out of the State will accomplish a dramatic shift in services for citizens in Wyoming.

This is the Second Semi-Annual Report to the Compliance Advisory Board (CAB). The State of Wyoming believes that consistent, steady, and positive progress has been made during the past six months. The purpose of this Report is to outline events that have transpired, to share areas of strength and weakness and, finally, to foreshadow coming challenges. As of the date of this Report, March 13, 1992, 34 of the 63 items have been completed.

The State has either (a) responded to all items requiring completion, or (b) has asked for appropriate waivers to fully complete the item. The Consent Decree contemplates a schedule of events leading to full implementation on December 31, 1994. The State of Wyoming is on target with the schedule in the Consent Decree.

Significant Achievements

- Through the combined efforts of Wyoming Protection and Advocacy, the State Department of Education, the Wyoming Department of Health, and the Media Department of the University of Wyoming, a community education video 9 1/2 minutes in length has been completed. This video of professional quality will serve as an introduction to the process of integration and the contribution of Class Members to communities. A copy is attached. See Addendum #1.
- The parties have committed to a schedule of:
 - a. weekly State meetings,
 - b. monthly State and P & A meetings,
 - c. quarterly meetings with the CAB, P & A and the State of Wyoming.

The purpose is to seek cooperatively full implementation of the Consent Decree. These meetings also serve to ensure monitoring of progress, as well as full communication for implementation of the Consent Decree.

- During the past six months, a process of assuring that all Class Members who should be on the list are on the list, per Addendum A. Class Members who have permanently moved or are deceased have been removed from the Class list, with appropriate notice to P & A.
- A Death Review process has been developed and implemented, featuring independent committee membership. While the most effective implementation continues to be sought, a model is in place that the State of Wyoming is pleased with.
- An Independent Case Management System has been launched, with the hiring of an Administrator and nine Independent Case Managers for Class Members. Additional Independent Case Managers continue to be hired and assigned, in conformity with the residence and transition phase of Class Members.

Significant Issues

The past six months have been exciting. During this period, Wyoming's Independent Case Management System has been initiated. Administrative policies and procedures have been drafted; rules and regulations are currently being developed. The Consent Decree declares the need to provide Case Managers for all transitioning Class Members as the first priority. This first step was accomplished December 31, 1991. The next milestone for Independent Case Management is March 31, 1992, at which time all Case Managers will be in place for Class Members at Wyoming State Training School on a 1:50 ratio, and for those in Wyoming communities at a no greater than a 1:25 ratio. The appropriate number of Case Managers is derived from the number of Class Members and where they currently reside.

During this six-month period, one item, the submission of a second Four-Year Plan for the Wyoming State Training School, has generated controversy. This issue was decided by the CAB, with a directive to the parties requiring a Four-Year Plan to be submitted in final form March 18, 1992. The CAB has required that specific information be provided to P & A under separate cover, or be included with the Four-Year Plan as submitted to the CAB on March 18, 1992.

Education of Class Members

A committee including Department of Education, Department of Health, P & A and local school districts has been working intensively on transition planning for school-age Class Members. These efforts are designed to comply with the requirement to close Emerson School by September 1, 1992.

Transition planning as required by local educational agencies has taken place with all school-age children. Transition Plans have been established as to service needs and priority areas. Original ENAT reports were used in this planning process. Placements will begin in March of 1992 and continue through August, 1992. See Addendum #2.

A great deal of interdepartmental coordination has been required, as well as the development of new levels of services. Examples of developed services are specialized home care, home modification, nursing and homemaker services, among others. The parties have agreed that this process should move as rapidly as possible, but in no case will occur before appropriate services are put in place, including the training of provider or other personnel.

This process has included a great deal of interaction between many service and program providers, as well as the Departments of Health and Education, the input of P & A, evolving a transition planning process addressing each individual child's needs. Attached is a flow-chart and tentative placement list for youngsters anticipated to transition in the earliest months.

In order to facilitate placement at the time the youngster is ready, the Departments of Health and Education scavenged budgets to access funding sources for required non-educational services. The Departments of Health and Education were very cooperative in this venture. As of this writing, it appears that between \$80,000.00 and \$90,000.00 of transition funding will be available prior to the beginning of the next two-year biennium, July 1, 1992.

Wyoming State Training School

At Wyoming State Training School, a number of activities have been completed to provide enhanced services and capabilities since the first CAB Report. Construction and renovation of life safety code acceptable living units has continued. By the end of March, 1992, 126 life safety code units will be available. Case Management training has been very active in providing orientation and new skills for a wide range of staff members. This is also taking place in Wyoming communities by a designated training person at the Training School, who has the additional responsibility for training in community systems. A schedule of available training, both at the Wyoming State Training School and in community systems, is attached in Addendum 3.

The Consent Decree and Public Information

A Public Information Committee has held a number of public meetings, including ones in Torrington, Lander and Riverton, and anticipates another later in March in Gillette.

The future schedule anticipates visits and meetings in the Powell and Evanston-Rock Springs areas for late Spring, 1992. The committee commissioned the development of the video tape. It defines mental retardation, outlining the importance of communities and special service needs of Class Members who are school-age, adult or elderly. It will be widely distributed for use as public information.

The Residential Committee has also been quite active, primarily to provide for the development of services needed by school-age children moving into Wyoming communities. This Committee, which may realize completion of its responsibilities late this Spring, has worked closely on transition planning for school-age youngsters.

In the earlier Six-Month Report, the development of placements for Wyoming State Training School residents over the last two and one-half years was highlighted. There continues to be a strong commitment by community-based service providers to continue an exemplary record of service development and inclusion of individuals into communities statewide. The active work of Independent Case Management and four Regional Resource Specialists, as the eyes and legs of service providers, has had great impact in identifying community living arrangements for a wide range of individuals.

To date, there are an extremely small number of placement reassessments. The exemplary record of Wyoming communities continues to be contrary to nationwide experience. Inclusion in communities manifestly benefits the total community, though always necessary to provide backup to service providers in the development of alternatives when a piece of service delivery cannot meet the needs.

The current number of individuals at Wyoming State Training School is 247. As will be seen, the State of Wyoming is on target in meeting community movement responsibilities of the Consent Decree.

Areas of Work and Discussion Between the Parties

There are two items requiring a good deal of work, and currently under discussion by a sub-committee made up of P & A and State parties.

Number one is medical management. A series of recommendations made by P & A have been substantially agreed to. Implementation of these recommendations must be carefully worked out in continuing discussions.

A second item, the transition process, must also be thoroughly reviewed. This process, as clarified in discussions between the parties, revolves around both the community and Wyoming State Training School planning elements. These must be sequenced in such a way as to afford the full implementation of IPP's, as well as assure the development of services and processes at the community level. An agreement reached respecting school-age Class Members may ultimately provide a model for adult transitions. The Committee must study the issues, and will report to the CAB with their recommendations.

CAB

The CAB itself has been functioning, having held two meetings with the parties - one in Denver on December 6, 1991 and another in Cheyenne on February 21, 1992.

The parties agreed to hold regular monthly meetings to seek resolution, at a local level, on issues before they are elevated to the CAB. It is planned that the CAB will hold quarterly meetings with the parties on a jointly submitted agenda. To date, there has been no request for a hearing officer.

The CAB members have averaged a trip a month to Wyoming, having visited the Southwest corner of the State, Cheyenne and Lander.

Summary

Services continue to be provided to an ever-increasing number of Class Members in Wyoming communities. A number of major issues have been addressed. The CAB also requests full discussion prior to elevating an issue to the CAB. Independent Case Management is a reality for Class Members in Wyoming; and Area Resource Specialists continue to fill prescriptions for service needs of developmentally disabled individuals, including Class Members.

SECTION TWO

WYOMING STATE TRAINING SCHOOL REPORT

Report to the Compliance Advisory Board
Focus:
Wyoming State Training School

In the reporting period, September 1, 1991 to March 1, 1992, a number of significant accomplishments have been achieved by the staff at the Wyoming State Training School, which reflect the diligent pursuit of quality services for all persons served.

First and foremost, the implementation of the Individual Program Plan and Individual Educational Plan (IPP/IEP) processes has been completed for all individuals. Of particular note is the completion of the IEP's for all school-aged children utilizing the input of the Educational Needs Assessment Team (ENAT).

To assure that the IPP/IEP processes promote and provide services that are responsive to individual need, WSTS has implemented a Quality Assurance system. This process tracks IPP/IEP implementation with a particular focus on individual needs as identified in the IPP/IEP document.

Organizationally, WSTS has developed an agency wide policy and procedure manual, with a systematic review process to assure effective and timely guidelines for all staff. Additionally, WSTS has developed a draft Four Year Plan, which is now under the conjunctive review by all parties.

Renovations to improve the capacity for Life Safety Code residences, continues at WSTS, as does the ongoing efforts to maintain the highest standards of safety and sanitation in a homelike environment.

Specific examples of WSTS' efforts in complying with the terms of the Consent Decree are listed on the following pages.

Sections 3.02, 3.05- Individual Program Plans (IPP)

Components: Criteria was submitted to Protection and Advocacy on May 19, 1991 with reply comments received August 29, 1991. Comments were incorporated into the IPP process and resubmitted to Protection and Advocacy for further review on 10/24/91. No further comments were received. IPP processes continue to operate as outlined in the WSTS IPP-QMRP Training Manual.

Section 3.02(b)- Retirement Planning: Continues as part of IPP process as previously reported.

Sections 3.02(g) and 1.11- Exit or Transition Plan: A transition planning process within the IPP was established and implemented on July 15, 1991 by all Interdisciplinary teams (IDT). Appropriate team members were inserviced on July 1, 1991 for the process. A review of the process is currently being conducted between the parties to identify and clarify issues or problems in transitioning.

Section 3.03- Interdisciplinary Team: Continues as part of the WSTS IPP process as previously reported, for each person served.

Section 3.04(c)- IPP's including Individual Educational Plans (IEP): Completed October 30, 1991 and incorporated the recommendations of the Educational Needs Assessment Team.

Section 3.04(d)- IPP's for all other class members: Completed for all class members at WSTS, December 31, 1991..

Section 3.06- IPP Review Process: WSTS had adopted and implemented a Qualified Mental Retardation Professional (QMRP) monthly review process by the effective date of the consent decree, March 13, 1991. Additional Quality Assurance processes were implemented December 15, 1991 to review IPP implementation.

Section 5.05(h)- Foster Grandparent Program: Continues as previously reported.

Section 5.06(c)- Recreational Therapists: At time of this report, the Training School has 1 (one) Recreational Therapist for every 18 (eighteen) individuals living on the WSTS campus, for a total of 14 therapists in variety of recreational service capacities.

Section 5.06(c)- Library: Completed. Reviewed and approved by Protection and Advocacy representatives at WSTS on May 20, 1991.

Sections 5.02(f) and 6.07(c)- Legal and Civil Rights

Handbook: A number of drafts and comments were exchanged between the parties, with final resolution now determined. The handbook is in the process of commercial printing and will be ready for general distribution and training purposes by April 1, 1992.

Section 5.05(g)- Client Ombudsmen/Client Rights Specialist: Completed as previously reported.

Section 5.05 (g)- Abuse and neglect quarterly reports: Quarterly reports were submitted for review on November 18, 1991 and February 18, 1992.

Section 5.09(a)- Abuse and neglect reporting system: On May 31, 1991 the abuse and neglect reporting system was submitted to Protection and Advocacy. Comments were received on September 3, 1991. The Clients Rights Specialist has been in direct contact with Protection and Advocacy about revision comments since that time. Revisions incorporating such comments was submitted to Protection and Advocacy on November 11, 1991, no comments have been recieved as of March 1, 1992.

Section 5.11- Drug Administration: All Training School personnel administering medication have been trained in a competency based medication aide training program, which requires annual re-certification. Policies and procedures regarding all facets of medication usage have developed and implemented at the Training School in accordance with state statutes. Annual pharmacy report submitted to Protection and Advocacy on December 31, 1991, as was the Medication Aide Training manual. No comments have been recieved as of March 1, 1992. Additional medication information provided to Protection and Advocacy includes: verification of 90 day medication order, dental and physical examination schedules.

Section 5.11(d)(e)-Psychotropic Medications: Results of the use of psychotropic medications at WSTS were provided to Protection and Advocacy analyzing the numbers of persons receiving and conditions regarding polypharmacy for the months since April 1991.

Section 5.03- Privacy, Comfort and Sanitation: A report highlighting the Training School's efforts in minimizing the negative impacts of the older dormitory style buildings was submitted to Protection and Advocacy on June 28, 1991. No comments have been recieved as of March 1, 1992.

Section 5.03(b)- Life Safety Code Beds: At time of this report, the Training School had completed renovations on

buildings that would reflect 126 bed meeting Life Safety Code standards.

Section 5.03 (c)- Small living units: Excluding 401 and 404 Meadowview, the Training School has added twelve homes meeting Life Safety Code which house eight or fewer individuals.

Section 5.04(e)- Staff Substitute Pool: By May 31, 1991, a staff substitute pool was implemented as previously reported. Monthly reports have been prepared and reflect an average of approximately 1200 hours useage per month since August 1, 1991 through February 29, 1992.

Section 5.05 (b)- Staff Development: A plan for revising the current staff training processes at the Training School was submitted to Protection and Advocacy on June 12, 1991. Comments were returned on August 12, 1991. Revisions were submitted October 2, 1991. Comments regarding safety training were recieved from Protection and Advocacy on November 12, 1991, when comments are recieved on the comprehensive plan submitted on 10/2, the safety comments will be incorporated into the overall training program.

Section 5.13(a)- Organizational Chart: Completed as previously reported.

Section 5.13(b)- Policy and Procedure Manual: Comprehensive manual developed and implemented on December 15, 1991, with a copy sent to Protection and Advocacy A review process for all Training School policies and procedures was implemented February 1, 1991.

Section 5.14- Records: Completed as previously reported.

Section 5.15 (a)- Quality Assurance Plan: The Training School submitted a comprehensive Quality Assurance Plan proposal to Protection and Advocacy for review on June 30, 1991. Comments were recieved from Protection and Advocacy on September 27, 1991, revisions were made and submitted to Protection and Advocacy on November 7, 1991. No comments have been recieved as of March 1, 1992.

Implementation of revised QA system began December 15, 1991 with a campus wide review of approximately 245 IPP's summary results were given to Protection and Advocacy on December 21, 1991. Another 245 IPP reviews were done in January 1992, proposed plans of correction were sent to Protection and Advocacy on February 18, 1992 for review.

A review of 13% of IPP's was completed on February 27, 1992. Proposed plans of correction will be sent by March 16, 1992. Continuation of IPP reviews via the Quality Assurance Plan will be maintained at the 10-15% level each month.

Section 5.15 (c)- Four year planning process: Efforts outlining the processes necessary to develop a comprehensive four year plan were presented to the WSTS Leadership Team on August 7, 1991.

Planning meetings were held throughout September, October and November with a number of staff at all levels and coordinated through WSTS administrative staff. The first completed draft was shared with WSTS Leadership Team on December 4, 1991. All staff meetings were held to discuss the initial draft and solicit input. Final draft was prepared by December 13, 1991 utilizing input received from all levels of employees. This draft was submitted to Protection and Advocacy on December 31, 1991.

Comments to the Compliance Advisory Board from Protection and Advocacy were received on January 15, 1992. Since that time meetings have been held with Protection and Advocacy which have generated additional draft plans. Further meetings are scheduled into March, 1992.

Section 5.15 (e)- Community Integration Services: Completed as previously reported, with one Community Integration Officer.

Section 6.01(i)- Census: Census at WSTS is 247 as of March 1, 1992

Section 5.07-Dietary: Complete dietary lists for special diets have been established and submitted to Protection and Advocacy.

SECTION THREE

WYOMING DEPARTMENT OF EDUCATION REPORT

Diana J. Ohman
Superintendent of Public Instruction

State of Wyoming Department of Education
307/777-7675
307/777-6234 FAX



Hathaway Building, Second Floor • 2300 Capitol Avenue • Cheyenne, WY 82002-0050

Semi-Annual Report
March 1992
Wyoming Department of Education

GENERAL ISSUES:

On behalf of the Wyoming Department of Education, I am pleased to report that the tasks for which the Wyoming Department of Education is responsible are continuing to progress in accordance with the Consent Degree. Since last August, the time of the last semi-annual report, there has been much activity in regards to Educational issues for school age class members. For an overview of the accomplishments during each month, see attached monthly reports dated:

September 21, 1991
October 11, 1991
November 25, 1991
December 24, 1991

During the Compliance Advisory Board meeting on February 21, 1992, I provided the following update to CAB.

TRANSITION PLANS:

Meetings with the school districts and subsequent transition plans were completed and these were then presented and discussed with P&A during a series of meetings held in January. P&A, CAB, the Governor's Liaison and the Department of Health have been presented with notebooks containing these plans. We have since received responses from P&A regarding these plans. They raised objections to few and offered good suggestions on most. We have since met with two school districts whose plans P&A found questionable and it appears as if we are reaching a reasonable solution. Protection and Advocacy has worked cooperatively with the Department of Education during this transition planning process.

It is now anticipated that students will be transitioning, during the period March 1992 through August 1992. Each student's transition date is dependent upon his/her individual circumstances such as his/her health, where he/she will be living, training of those people who will be assisting in his/her care etc.

Steve Zimmerman
September 21, 1991
Page 2

The next monthly report will likely contain many items of interest since Margie Simineo and I will be meeting with special education coordinators from the school districts on September 26 and 27 and will be discussing the IEP's for class members. We are anxious to hear of districts' accomplishments and concerns so we can assist them with this process.

A number of us will be traveling to Torrington on September 25, 1991 to begin some public education work. I expect our next monthly report to contain some feedback regarding that process.

As always, the Wyoming Department of Education will keep you updated as we proceed with compliance with the Consent Decree and will continue to submit monthly reports.


Sincerely,



Patricia O'Brien Arp, Ph.D.
Deputy State Superintendent

POA:rew

cc: Diana J. Ohman
Margie Simineo



Diana J. Ohman
Superintendent of Public Instruction

State of Wyoming Department of Education
307/777-7675
307/777-6234 FAX



Hathaway Building, Second Floor • 2300 Capitol Avenue • Cheyenne, WY 82002-0050

September 21, 1991

Mr. Steve Zimmerman
Developmental Disabilities Division
Wyoming Health Department
Hathaway Building, 4th Floor
Cheyenne, Wyoming 82002

RE: MONTHLY REPORT

Dear Steve,

This letter is submitted to update you about the activities of the State Department of Education during the past month as pertains to the WSTS Consent Decree.

- The ENAT reports were received on August 30, 1991 and have since been sent to the corresponding school districts. In addition, copies of the reports were sent to the respective parents. A full set of the reports, meaning the 37 reports of the class members presently residing at the WSTS, have been delivered to Protection and Advocacy and sent to CAB.
- The education tour was completed as planned on September 16 through 18, 1991. Those in attendance, as you are aware, were Margie Simineo and me from the Department of Education, Rowena Heckert, Attorney General's Office, you as the Governor's Liaison and Peter Blanck of CAB. We visited facilities in Gillette, Newcastle and Casper and I believe a report will be forthcoming.
- Some of the IEP meetings have been held, with the rest scheduled for completion by the end of October.

COMMUNICATION & TRAINING:

In order to facilitate communications with the school districts which have students who will be transitioning, the Wyoming Department of Education sends periodic updates of information to the districts as well as has regular phone contact with the Special Education Coordinator in each district. Attached is a copy of the most recent memo which was sent March 5, 1992. This memo is of most importance because it outlines the training which the Wyoming Department of Education will make available throughout the state. In addition, it addresses related services which will be provided at WSTS from March 1992 through August 1992.

FISCAL ISSUES:

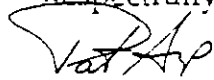
As most people are aware, these are difficult fiscal times for all state agencies. As it pertains to our commitment in the Consent Decree and as finances stand at present, we believe we will be able to cover cuts in state funding by utilizing federal special education funds. However, since the legislature is still in session, final decisions regarding funding issues have not yet been made.

PUBLIC RELATIONS:

Staff members from the Wyoming Department of Education continue to be involved with public relations issues pertaining to the transitioning of class members from the Wyoming State Training School to their communities. We have continued to present to a number of groups throughout the state including the Goshen County School Board, the Governor's Council on Developmental Disabilities, the Wyoming Developmental Preschool Directors Association and other civic groups.

In addition, other publicity efforts are now well underway. The production of the videotape has been completed and there will be many copies available for use throughout the state. Also, we have arranged with the Student Improvisation Troupe at Central High School in Cheyenne to become involved in a project designed to educate other students about students with disabilities.

Respectfully submitted:



Patricia O'Brien Arp, Ph.D.
State Superintendent
of Public Instruction

POA:pn

Diana J. Ohman
Superintendent of Public Instruction

State of Wyoming Department of Education
307/777-7675
307/777-6234 FAX



Hathaway Building, Second Floor • 2300 Capitol Avenue • Cheyenne, WY 82002-0050

MEMORANDUM

TO: Steve Zimmerman

FROM: Patricia O'Brien Arp, Ph.D.
Deputy Superintendent
of Public Instruction

DATE: October 11, 1991

RE: October Monthly Report

Because I will be gone next week, I am submitting the monthly report regarding WSTS a week early. If there are any significant issues which arise next week, I'll include them in the November report.

pn

Diana J. Ohman
Superintendent of Public Instruction



State of Wyoming Department of Education
307/777-7675
307/777-6234 FAX

Hathaway Building, Second Floor • 2300 Capitol Avenue • Cheyenne, WY 82002-0050

October 11, 1991

Mr. Steve Zimmerman
Governor's Liaison
Hathaway Building, 2nd Floor
2300 Capitol Ave.
Cheyenne, Wy. 82002

RE: Monthly Report

Dear Steve:

This letter is submitted to update you about the activities of the State Department of Education during the past month as it pertains to the WSTS Consent Decree.

- Margie Simineo, Special Education Unit Director and I met with the special education directors from the school districts at the annual fall meeting of WASEA (Wyoming Association of Special Education Administrators) which was held September 26-27, 1991. Bob Clabby, Director of the Division of Developmental Disabilities, a subdivision of the Department of Health met with this group on one evening also. Mr. Clabby and I held a formal two hour question and answer period. My assessment is that much progress was made. Issues of importance were:
 - a) focusing the districts on the importance of completing the IEP's by October 31, 1991.
 - b) informing them that the Division of Developmental Disabilities would take the lead in solving residential concerns and focusing districts on concentrating on education issues.
 - c) offering follow up problem solving help to each district after their IEP's are complete.
- A public information forum was held in Torrington on September 25, 1991. My assessment is that the meeting was successful. The evaluations of those who attended were positive and the presenters were able to determine ways

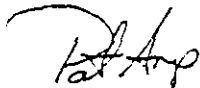
to make an even better impact at future forums. (I have chosen not to include in this report the details regarding this forum, such as number of attendees etc.) because I am aware that you have other reports outlining this forum in detail.

- On October 7, 1991, the public education committee met to plan further forums and to proceed with the production of an informational video tape.
- A residential services committee meeting was held on October 8, 1991. It seemed to be the consensus that an Interagency Agreement be drafted by the liaisons and DFS in order to formalize the plans of cooperation that were addressed verbally at the meeting, especially in regards to residential and support services for children.

The next monthly report will likely contain information about individual meetings with some of the school district personnel. The purpose of these meetings will be to offer problem solving help as they further plan for the transition of their students out of the WSTS. We should also be able to report further on public information efforts and on progress in regards to the Interagency Agreement.

As always, the Wyoming Department of Education will keep you updated as we proceed with compliance with the Consent Decree and will continue to submit monthly reports.

Sincerely,



Patricia O'Brien Arp, Ph.D.
Deputy Superintendent
of Public Instruction

POA:pn

pc Diana Ohman
Margie Simineo
Rowena Heckert

Diana J. Ohman
Superintendent of Public Instruction
Wyoming Department of Education
Hathaway Building, Second Floor
2300 Capitol Avenue
Cheyenne, WY 82002-0050



307/777-7675 • 307/777-6234 FAX

November 25, 1991

Steve Zimmerman
Office of the Governor
c/o DD Division
2020 Capitol Ave.
Cheyenne, Wy. 82002

RE: Monthly Report of Accomplishments

Dear Steve,

This letter is submitted to update you about the activities of the State Department of Education during the past month as it pertains to the WSTS Consent Decree:


- We responded to the ENAT Conference Report with a listing of corrections which we believe needed to be made to the transcript of those proceedings.
- We responded to P & A's request for information regarding the Department's proposed budget.
- As mentioned in a previous letter to Jeanne Thobro dated October 22, 1991, but not previously included in a monthly report, we have hired two Special Education Consultants, Cathy Frailey and Liz Steere.
- Although we were unable to attend the Public Forums in Riverton and Lander because of a scheduling conflict with the State Board of Education meeting, we have continued to be involved in the public information process.
- All IEP's were reviewed by October 31, 1991 as required, and CAB was notified of this by letter dated November 7, 1991.
- We have met with four school districts concerning 10 of the 36 students who remain at WSTS. We are scheduled to meet with other school districts between now and December 13, 1991 to facilitate the plans for transitioning students from WSTS to the community.

- Four of the five ENAT reports regarding the students who previously transitioned from WSTS to other state facilities have been completed. The districts will complete the IEP's on these students by December 31, 1991 as required.

The next monthly report will likely contain information about the rest of the individual meetings which we will be conducting with school district personnel and information about the remaining five IEP's for the students who were previously moved out of WSTS to other State facilities.

The Wyoming Department of Education will keep you updated as we proceed with compliance with the Consent Decree and will continue to submit monthly reports.

Sincerely,



Patricia O'Brien Arp, Ph.D.
Deputy Superintendent
of Public Instruction

POA:pn

pc: Diana Ohman
Margie Simineo
Rowena Heckert

Diana J. Ohman

Superintendent of Public Instruction
Wyoming Department of Education
Hathaway Building, Second Floor
2300 Capitol Avenue
Cheyenne, WY 82002-0050



307/777-7675 • 307/777-6234 FAX

December 24, 1991

Steve Zimmerman
Office of the Governor
c/o DD Division
2020 Capitol Ave.
Cheyenne, WY. 82002

RE: Monthly Report of Accomplishments

Dear Steve,

This letter is submitted to update you about the activities of the State Department of Education during the past month as it pertains to the WSTS Consent Decree:

- We finished all our on-site meetings with school districts which requested such.
- We gave a report at the CAB meeting on December 6, 1991 in Denver updating CAB and the parties of the progress being made as it related to educational issues.
- We have set up meetings throughout January with Protection and Advocacy to begin the review of the Transition Planning Process for the students.
- Notification was sent on November 26, 1991 to Protection and Advocacy and the Compliance Advisory Board that all ENAT reports had been completed for the remaining student class members who reside in other state facilities.

It is anticipated that the remaining IEP's for the students who reside in other state facilities will be completed by December 31, 1991 as required. The next monthly report will therefore contain information about the completion of that process. In addition, we should be able to report on progress made during our meetings with Protection and Advocacy at which we will be discussing the Transition Planning Process.

The Wyoming Department of Education will keep you updated as we proceed with compliance with the Consent Decree and will continue to submit monthly reports.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat', enclosed within a hand-drawn oval shape.

Patricia O'Brien Arp, Ph.D.
Deputy Superintendent
of Public Instruction

POA:pn

pc: Diana Ohman
Margie Simineo
Rowena Heckert

Diana J. Ohman
Superintendent of Public Instruction

State of Wyoming Department of Education
307/777-7675
307/777-6234 FAX

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Hathaway Building, Second Floor • 2300 Capitol Avenue • Cheyenne, WY 82002-0050

MEMORANDUM

TO: Special Education Directors (who are transitioning a WSTS student)

FROM: Patricia O'Brien Arp, Ph.D.
Deputy Superintendent
of Public Instruction

DATE: March 5, 1992

RE: Update regarding Transition of WSTS Students

This memo is to update you about the provision of related services and the training workshops which have been arranged.

First of all, the Department of Education has contracted for Physical Therapy and Occupational Therapy services which will start during the month of March. We have asked that the PT and OT provide: 1) evaluations as needed; 2) services indicated in the IEPs; 3) recommendations to assist in transitioning; and 4) monthly progress reports. We are contracting with two consulting firms and as soon as they give us the names of the specific PT and OT going to Lander, we will notify you. We thought we also had a speech pathologist on board, but she took another position so we are still looking for one.

The Wyoming Department of Education is sponsoring three one-day regional workshops that will provide an overview of some of the basic skills and services that many of you indicated you needed in order to

assist in transitioning individuals from WSTS to your communities. Each workshop will cover the following topics:

- *Augmentative/Alternative Communication Devices and Strategies
- *Feeding and Positioning
- *Partial Participation
- *Inclusion

The workshop times and locations are:

April 7	Rock Springs Community College	8:30 a.m. - 4:30 p.m.
April 21	Casper Community College	8:30 a.m. - 4:30 p.m.
April 22	Riverton School Dist. Board Room	8:30 a.m. - 4:30 p.m.

The workshop presenters are:

Adrienne Akers, M.S., R.P.T., Director of MAPPS, a project serving infants and preschoolers with disabilities in Logan, UT. She has worked for over 19 years providing Physical Therapy and related services to individuals with disabilities. (Rock Springs).

Cathy Bodine, M.A., CCC-SLP, Director of the Colorado Easter Seals Center for Adapted Technology. Cathy has provided Speech Language and Specialized Augmentative Communication services to individuals with disabilities for seven years. (Casper & Riverton).

Rosemary Bogart, O.T.R., Private Consultant currently under contract with the Cherry Creek Schools in Denver, CO. She has worked for 10 years providing therapy and Augmentative Communication services to individuals with disabilities. (Casper & Riverton).

Tim O'Connell, M.S., Training Specialist on Utah Project for Integration. Tim was a team member and the leader of the Utah Augmentative Communication and Technology Teams for seven years. (Rock Springs).

Elizabeth Steere, M.A., Consultant for the Wyoming Department of Education Special Education Unit. She has trained teachers and taught individuals with severe/profound needs for over 10 years. (Rock Springs, Casper & Riverton).

It is suggested that each District bring a team of concerned individuals, (Special Ed. teacher, O.T., P.T., Casemanager, Area Resource Specialist, Specialized Care Providers), to one of these one-day workshops. The Department will pay for each team's travel, per diem and the cost of substitutes. Please send in the attached registration form by March 20, 1992.

In addition to the training which we have arranged, there are two sets of training workshops that might be of interest to you. The Wyoming State Training School will be offering training in Lander on Physical Management and Mealtime Challenges. You may register for these workshops by contacting Dave Brunner at WSTS, 332-5302. The dates and times are:

Physical Management

March 4 and 5	8:00 a.m. - 4:30 p.m.
April 1 and 2	8:00 a.m. - 4:30 p.m.
May 6 and 7	8:00 a.m. - 4:30 p.m.
June 17 and 18	8:00 a.m. - 4:30 p.m.

Mealtime Challenges

March 19 and 20	8:00 a.m. - 4:30 p.m.
April 30 and May 1	8:00 a.m. - 4:30 p.m.
May 25 and 26	8:00 a.m. - 4:30 p.m.
June 25 and 26	8:00 a.m. - 4:30 p.m.

Thanks so much for all of your ongoing efforts during this transition process.

SECTION FOUR

WYOMING COMMUNITY REPORT

Semi-Annual Report
September 1991 - March 1992

Division of Developmental Disabilities - Liaison Officer

Whereas the first six months of the Consent Decree concentrated upon the development of deliverables, approximately a third of the deliverables required by the Consent Decree were required in the first six months. The second six months had only about half as many deliverables, and was directed more toward issues, as will be seen in the following discussion. The first item to be discussed is the Consent Decree required rules related to assurance of quality services in the community. The second item relates to additions to the class. The remainder of the items are related to activities not specifically required by the Consent Decree.

Quality Assurance in Community Programs

The Division of Developmental Disabilities requires that all programs providing services to adults with developmental disabilities be accredited by CARF. Accreditation assures a level of consistency across programs providing services to adults, but the CARF requirement does not apply to preschool or school district programs. The Division's Quality Assurance proposal acknowledges those quality assurance activities that presently exist, but expands upon them as well.

The Plan brings together the array of activities that have been part of the state's approach to quality assurance, while adding areas that have not previously been part of the system. In the former category are the monitoring activities that have been on-going, while the latter includes activities that have been occasionally but not consistently been done, like a parent satisfaction questionnaire.

The Quality Assurance Plan was submitted to Protection and Advocacy

on 31 December 1991, for comment per the Consent Decree. As of this date (10 March 1992), no comments have been received from Protection and Advocacy concerning the Plan, and the Division is preparing the paperwork necessary to promulgate the Plan, as originally prepared.

Death Review Committee

Protection and Advocacy requested that the State institute an Independent Death Review Committee (DRC) to review deaths that occur among class members on the rolls of the Training School. The State and Protection and Advocacy agreed to a procedure that involves professional and interested persons who have no connection to the Training School. The final Death Review Committee procedures were completed in mid-October, and were submitted to the Compliance Advisory Board, who filed them with the court. The procedures have been used since their development; the details, results, and comments on the procedures are found elsewhere in this report (See Addendum #4).

Contested Case Procedures

The Division of Developmental Disabilities, in anticipation of potential disagreements with parents or guardians, developed a procedure for contested cases. The purpose of the procedure is to provide parents or guardians a mechanism to disagree with the recommendations for services in a community program, a Training School placement team, or other recommendations related to services. No cases were pending prior to the development of the procedures and none pending now, although there were indications that some parents disagreed with the recommendations for community placement. These Procedures were designed with such disagreements in mind.

The Procedures were modeled after the Department of Education due process procedures, which are required by the Individuals with Disabilities Education Act (IDEA). The intention in so modeling the procedures was to maintain consistency between the Department of Health and the Department of Education in handling such cases, and to consistently handle cases involving class and non-class members.

The procedures were developed in December 1991, routed to state personnel for comment, and modifications incorporated into the draft. On 6 February 1992, the revised procedures were sent to state personnel and Protection and Advocacy for additional review and comment prior to promulgation as state regulations. As of this date (March 10, 1992), no comments have been received from Protection and Advocacy System, Inc. The Division has prepared the Procedures for promulgation as state regulations, with an effective date of 1 May 1992.

Class Membership - Admissions

The State has received eight applications for class membership. Three of these are still pending, having been received within the month of March. Three applications were denied, two because the applicant did not have standing, and funding for services was authorized in lieu of class membership for the third. The State admitted two individuals to the class. One of the class members is a school aged individual and the other is a two year old child. The child was admitted to the class based upon action of the State, rather than as a result of an application facilitated by Protection and Advocacy, as was the student. Just prior to filing this report, the State received a letter from Protection and Advocacy listing five individuals to be added to the class, most of whom are presently being served. As of the writing of this report, no state response has been prepared.

Class Membership - Deletions

The State notified the Compliance Advisory Board that it intends to delete three individuals from the list of class members. These three individuals have established residency out of state, and do not intend to return. All three are receiving services in their respective states. Should any of the individuals return to Wyoming, each could reapply for class membership.

Class Membership - Application Procedures

The State has developed internal procedures to handle the applications as consistently as possible, and has established a specific Class Membership committee to handle the applications. The committee includes the Department of Education for school-aged applicants, the Department of Health, Training School, Division of Developmental Disabilities, with a representative of the Governor's Office attending as an ex officio member of the committee. Each member has an equal voice in the decision; the application is routed to all members in advance.

The State has developed a form letter and release of information for use by applicants for class membership or person with standing in behalf of class members. The purpose of the forms is to assure that applications are complete when submitted, and to facilitate the entire application process. Copies of the application forms have distributed to the case managers, and recent applications have used to forms.

Application for Services

In response to a concern raised by Protection and Advocacy System, Inc., the Division of Developmental Disabilities has developed an application for services. P & A raised the concern that there were individuals in the state who were in need of services, but were not known to the state office, and thus not receiving services. The

Division procedures require that the Instrument for Client and Agency Planning (ICAP) be completed for all individuals applying for services. The procedures were shared with P & A and the CAB during the February meeting, comments are expected to the draft application.

All individuals in need of services will apply for services to the DD Division through either the Independent Case Manager or the community providers. The services application process does not replace the application for class membership, which will continue to be directed to the Department of Health director. Those only applying for educational services will not be required to complete an application for services.

ADDENDUM #1

PUBLIC INFORMATION VIDEO

ADDENDUM #2

SCHEDULE OF PLACEMENTS

ADDENDUM #2

3/2/92

MARCH

Dianna Holcomb	NOWCAP
J.W. Siebert	Emerson Group Home - Sheridan
Amber Toay	NW BOCES or Riverton community

APRIL

Rocky Shoyo	Specialized Home Care Lander
-------------	------------------------------

MAY

John Holwegner	RENEW
Shon Bennett	Adult Group Home - Magic City

JUNE

Amberlee Jereb	Specialized Home Care Casper
Connie Jo Franciscovich	Group Home Magic City or ARC
Katrina Patten	Home or Specialized Home Care Cheyenne
Joshua Hawkes	Specialized Home Care Kemmerer
Trista Duran	Specialized Home Care Kemmerer
Kevin Owens	Specialized Home Care Mt. View
Jennifer Nyreen (anticipated)	Group Home Cody/Powell

JULY

Vashawn Lopez	Specialized Home Care Torrington
Lisa Wheeler	Cody/Powell Adult Group Home
John Engvall	Specialized Home Care Cody

AUGUST

Ernie Lamphear	Specialized Home Care Green River
Sara Kawulok	Specialized Home Care Sheridan
Bill Porter	Adult Group Home/BOCES
Brittany Gomez	Specialized Home Care/Home Mt. View
Aundrea Jiminez	NW BOCES

Don't yet have transition dates:

Ian Leicht
Misty Himes

Already Placed:

Michael Gormely - BOCES
Chad Henning - BOCES
Andy Rogers Harding - BOCES
Aaron Vaughn - Home
Adele Vilapando - Foster Care

May Stay at WSTS:

Brent Cleave
Johnny Gates

ADDENDUM #3

SCHEDULE OF TRAINING

ADDENDUM #3

A REPORT ON THE PROVISION OF EXPERTISE
AND ASSISTANCE TO COMMUNITY PROGRAMS
BY THE WYOMING STATE TRAINING SCHOOL.

Submitted by

Deborah L. Woods

Senior Trainer for Community Programs

The Wyoming State Training School's Staff Development Department is now offering a ninety day Orientation Program for new employees. This program begins with a three day core of classes (see the attached sheet). These classes are offered as a general introduction to employees before they go to their work areas. The W.S.T.S. requires that all individuals in its employ complete the following additional coursework:

- Mandt--(managing non-aggressive and aggressive individuals)
- C.P.R.--adult or community
- Fire Safety
- American Red Cross 1st Aid
- Defensive Driving (required of all State employees driving a State vehicle, or driving their own vehicle on State business)
- Infection Control

A Staff Development calendar is sent monthly to all nine Adult Programs, the fourteen Pre-School Programs, the four Area Resource Specialists, and some of the Independent Case Managers. The programs and persons receiving these calendars have been asked to share this information with school districts, specialized home care providers, and others who will be working with individuals leaving the Training School (see the attached sample Staff Development calendar).

Since her appointment to the W.S.T.S. Staff Development Department, the Senior Trainer for Community Programs has canvassed the Community Programs regarding their training needs. Many of the courses offered on the Staff Development calendar correspond to areas of training need suggested by the Community Programs (see the attached list of training which has been requested by the Community Programs).

T.C.I. (Therapeutic Concepts, Incorporated) offers the following training through the W.S.T.S.:

- Physical Management
- Healthtime Challenges
- Oral Motor Assessment
- Behavior Builders

These T.C.I. course offerings occur at least once a month, with the exception of Oral Motor Assessment, which is offered on an as-needed basis.

WYOMING STATE DEPARTMENT OF EDUCATION TRAINING

The State Department of Education is providing school districts with training from specialists with expertise in augmentative and alternative communication, mealtime assistance, physical management, and partial participation and inclusion. This training is not being provided specifically because of the school aged children who will be leaving the W.S.T.S. prior to September, 1992, but is instead part of a general orientation program being offered by the Department of Education. These training sessions are being scheduled for the following dates:

April 7, 1992, in Rock Springs

April 21, 1992, in Casper

April 22, 1992, in Riverton

School districts, Area Resource Specialists, independent Case Managers, and Specialized Home Care Providers will be sent notices by the State Department of Education stating the dates, times, and locations where these training sessions will be held.

W.S.T.S. TRAINING FOR SCHOOL DISTRICTS

The Director of the Emerson School at the W.S.T.S. is currently setting up a schedule of training for school districts which will be receiving W.S.T.S. clients in the following areas:

Physical Management (T.C.I.)

Mealtime Challenges (T.C.I.)

Oral Motor Assessment (T.C.I.)

In addition, these school districts are now scheduling blocks of time to spend with the children who will be leaving the W.S.T.S. During these times, representatives from the school districts will be meeting with and observing the children who will be coming to their districts, and they will have conferences and receive training from the childrens' teachers and direct care providers.

The adult Residential Service Providers have requested the following training:

TRAINING REQUESTED	ACTION TAKEN
Mandt (managing non-aggressive and aggressive persons)	Mandt instructors for community programs were trained at the W.S.T.S. on 2/10/92 to 2/14/92
Day Habilitation	A workshop will be held in Lander from 3/25/92 to 3/27/92
A videotape tour of all Community Programs	Some of the Community Programs have already developed videotape tours, however this project is still largely in the planning stage
C.A.R.F. Standards	In the planning stage
Adult Waiver	In the planning stage
Self-dispensed Medications	In the planning stage
Sign Language	The W.S.T.S. is currently producing a training videotape
Nutrition and Health	Training is available at the W.S.T.S.
Human Sexuality	The Circles program is available through the W.S.T.S.
Behavior Management	Training is available at the W.S.T.S.
The Developmentally Disabled Individual	Training is available at the W.S.T.S.
American Red Cross First Aid	Training is available at the W.S.T.S.

Autism	A workshop is in the planning stages at the W.S.T.S.
Curriculum and Teaching	The Senior Trainer for Community Programs will be trained in this in March, 1992, and training will also be available at the W.S.T.S.
Coping with Stress	Training videotape available from the W.S.T.S.
Communication	Training is available at the W.S.T.S.
Leisure Activities	A workshop will be held at the W.S.T.S. on 3/11/92
Clients' Rights	Sue Williams and Bill Ryker are in the planning stages of developing a statewide procedure
Aging	A workshop on this is in the planning stages at the W.S.T.S.
Conflict Resolution	In the planning stage
Safety and Health	Training is available at the W.S.T.S.
Documentation and Record Keeping	Training is available at the W.S.T.S.

In addition to the above training topics, the Community Programs have requested that a newsletter be established for them. The Staff Development Department at the W.S.T.S. is currently considering the feasibility of including the Community Programs not only as recipients of the W.S.T.S. School Link, but also as contributors to it.

Pre-School Programs have requested training in the following areas:

TRAINING REQUESTED	ACTION TAKEN
Family Service Plans	The Senior Trainer for Community Programs is offering a workshop at Fort Washakie on 3/13/92
Children's Waiver	In the planning stage
Early Childhood Certification	Contact with the University of Wyoming Field Representative has been arranged
Surrogate Parenting	Training is available at the W.S.T.S.
Sensory/Motor Integration	The Children's Resource Center in Powell is offering a workshop at Northern Wyoming College on 3/13/92 and 3/14/92
High/Scope Curricula	Early Childhood Intervention is offering a workshop in Fort Washakie on 4/30/92 and 5/1/92
Physical Management	Training is available at the W.S.T.S.
Mealtime Challenges	Training is available at the W.S.T.S.
Oral Motor Assessment	Training is available at the W.S.T.S.
C.P.R.	Training is available at the W.S.T.S.

American Red Cross First Aid

Training is available at
the W.S.T.S.

Augmentative and Alternative
Communication Devices

Consultation and training
are available via the
W.S.T.S.

ORIENTATION CALENDAR (Core)

DAY ONE	DAY TWO	DAY THREE
8:00-8:30 Explanation of Orientation	8:00-9:00 Confidentiality, Documentation & Records	8:00-9:00 Oral Hygiene
8:30-9:30 Principles of Normalization & Introduction to Habilitation	9:00-9:45 General Hygiene	9:00-9:30 Test
9:30-9:45 Break	9:45-10:00 Break	9:30-12:15 Adult CPR
9:45-11:15 Infection Control	10:00-11:00 Overview of Developmental Disabilities	12:15-12:45 Lunch
11:15-12:15 Personnel Policies & Procedures	11:00-12:00 Positive Reinforcement	12:45-4:30 Adult CPR
12:15-12:45 Lunch	12:00-12:45 Lunch with Supervisors & Tour of Work Area	
12:45-1:15 Seizures I	12:45-1:15 Fire Safety	
1:15-1:30 Break	1:15-3:15 Mealtime Management I	
1:30-3:30 Physical Management I Lifting & Transferring	3:15-3:30 Break	
3:30-4:30 Video: "Into the Mainstream"	3:30-4:30 The IPP/IEP Process-- An Overview	

STAFF DEVELOPMENT CALENDAR

C2/19/92

MARCH 1992

MARCH 2 MONDAY	MARCH 3 TUESDAY	MARCH 4 WEDNESDAY	MARCH 5 THURSDAY	MARCH 6 FRIDAY
8:00 - 3:00 Adult CPR* 8:00 - 4:30 CORE DAY 1 Orientation Curriculum 8:00 - 9:00 Introduction to Communication for the Developmentally Disabled 9:00 - 10:00 Community Access Activities 10:00 - 10:45 Break 10:45 - 11:15 Nutrition and Health 11:15 - 12:15 Lunch 12:15 - 1:15 Ethics & Client Relations 1:15 - 2:15 Social Work - Community & Family 2:15 - 2:30 Break 2:30 - 4:00 Clients' Rights, Incident Reports & Suspected Abuse & Neglect	8:00 - 4:30 CORE DAY 2 8:00 - 4:30 Mandt* - Day One 1:00 - 3:00 Med Aide Refresher Course** (Must have taken previous 3 classes in Feb.) 7:00 - 8:00 p.m. Beginning Sign Class (Lane)***	8:00 - 4:30 CORE DAY 3 8:00 - 4:30 Mandt* - Day Two 8:00 - 5:00 Physical Management*	8:00 - 5:00 Physical Management* 8:00 - 4:30 Mandt Review* 7:00 - 8:00 p.m. Intermediate Sign Class (Lane)***	Orientation Curriculum 8:00 - 1:30 First Aid* 1:30 - 2:30 Observing the Health of Clients 2:30-3:30 Day Programming 3:30 - 4:30 Seizures 2 9:00 - 10:00 Annual Infection Control Update* 1:30 - 2:30 Beginning Sign Class (Lane)***

PHYSICAL MANAGEMENT & HEALTHINE MANAGEMENT - 1 HOUR EACH FOR MED AIDE CREDIT

* Nurse Aide ** Med Aide

STAFF DEVELOPMENT CALENDAR

02/19/92

MARCH 1992

MARCH 9 MONDAY	MARCH 10 TUESDAY	MARCH 11 WEDNESDAY	MARCH 12 THURSDAY	MARCH 13 FRIDAY
<p>12:00 - 2:30 G.E.D. Testing</p> <p>2:00 - 3:00 Annual Infection Control Update*</p>	<p>9:00 - 12:30 Community CPR Challenge*</p> <p>9:00 - 4:30 Behavior Builders*</p> <p>7:00 - 8:00 p.m. Beginning Sign Class (Lane)**</p> <p>Orientation Curriculum</p> <p>8:30 - 9:30 Observing the Health of Clients</p> <p>9:30 - 10:30 Day Programming</p> <p>10:30 - 11:30 Seizures 2</p> <p>12:00 - 3:00 First Aid</p>	<p>8:00 - 4:30 Behavior Builders*</p> <p>8:00 - 9:00 Structured Leisure</p>	<p>8:00 - 4:30 Behavior Builders*</p> <p>Orientation Curriculum</p> <p>9:30 - 10:30 Consent Decree</p> <p>10:30 - 11:30 Swimming Pool</p> <p>1:00 - 2:30 Medical Terminology*</p> <p>3:00 - 4:00 Fire Safety*</p> <p>9:30 p.m. - 10:30 p.m. Fire Safety*</p> <p>7:00 - 8:00 p.m. Intermediate Sign Class (Lane)**</p>	<p>8:00 - 3:00 Adult CPR*</p> <p>ROM NOMINATIONS DUE</p> <p>1:30 - 2:30 Beginning Sign Class (Lane)**</p>

UNLESS OTHERWISE STATED ALL CLASSES WILL BE AT MILLER, CALL EXT. 280 TO SIGN UP

*** CRC CLASS

STAFF DEVELOPMENT CALENDAR

MARCH 16 MONDAY	MARCH 17 TUESDAY	MARCH 18 WEDNESDAY	MARCH 19 THURSDAY	MARCH 20 FRIDAY
<p>8:00 - 4:30 CORE DAY 1</p> <p>8:00 - 4:30 Handt Review*</p>	<p>8:00 - 4:30 CORE DAY 2</p> <p>8:00 - 5:00 Train the Trainers (Round 1, Day 1 - must attend another day in April)</p> <p>11:15 - 12:15 Fire Safety*</p> <p>12:00 - 4:00 DDC 8 - Day One (Must attend both days)</p> <p>1:00 - 2:30 Anti-Psychotic Medication Review**</p>	<p>8:30 - 4:30 CORE DAY 3</p> <p>8:00 - 3:00 Train the Trainers (Round 2, Day 1 - must attend another day in April)</p> <p>8:00 - 1:30 First Aid*</p> <p>12:00 - 4:00 DDC 8 - Day Two</p>	<p>8:00 - 5:00 Mealtime Management*</p> <p>8:00 - 4:30 Handt Review*</p> <p>Orientation Curriculum</p> <p>8:00 - 9:00 Introduction to Communication for DD</p> <p>9:00 - 10:30 Community Access Activities</p> <p>10:30 - 10:45 Break</p> <p>10:45 - 11:45 Nutrition & Health</p> <p>11:45 - 12:15 Lunch</p> <p>12:15 - 1:15 Ethics & Client Relations</p> <p>1:15 - 2:15 Social Work - Community & Family</p> <p>2:15 - 2:30 Break</p> <p>2:30 - 4:30 Clients' Rights, Incident Reports & Suspected Abuse & Neglect</p> <p>1:00 - 2:30 Medical Terminology** * (2 of 4 classes)</p>	<p>12:00 - 3:30 Adult CPR* Challenge</p> <p>7:00 - 1:00 Mealtime Management*</p>

M
A
R
C
H

1
9
9
2

ADDENDUM #4

REVIEW OF DEATH REVIEW COMMITTEE

ADDENDUM #4

Review of Independent Death Review Committee Actions

To date, 3-9-92, the Death Review Committee, in compliance with the Procedures established October 14, 1991, has reviewed eight deaths. Six of the deaths occurred between March 1, 1991 and the signing of the Death Review Committee Procedures. Two of the deaths reviewed by the Committee occurred after the October 14, 1991 signing.

Currently, the Death Review Committee is working toward the establishment of protocols and defining modifications necessary to enhance the functioning of the Committee.

The following persons are presently members of the Death Review Committee: Patrick C. Allen, M.D., Forensic Pathologist; Alfred Healy, M.D., Physician with DD exposure; James Howell, M.D., County Health Officer; Sandy Mays, Director, Division of Criminal Investigation laboratory; Susan Mydland, Independent Case Management Administrator and Death Review Committee Chairman; and Lucile Thompson, Consumer Representative.

PROTECTION & ADVOCACY SYSTEM, INC.

2424 Pioneer Avenue, Suite 101
Cheyenne, Wyoming 82001

Re: *Weston, et al. v. Wyoming State Training School, et al.*
90CV004

March 13, 1992 Six-Month Report

Ms. Sondra Kaska
DD/MI Clinical Law Project
College of Law
Iowa City, Iowa 52242

Dr. Peter Blanck
The University of Iowa
College of Law, Room 431
Iowa City, Iowa 52242

FILED
MAR 25 1992
FBI

Re: Second Semi-Annual Report to CAB due March 13, 1992

Dear Compliance Advisory Board Members:

Section 8.03(e) of the Stipulated Agreement provides that " the parties shall jointly compile semi-annual reports outlining the degree of progress...", including "recommendations". This report not only is the second semi-annual report , but it occurs on the anniversary of the signing of the Stipulation Agreement, dated March 13, 1991.

Attached is a summary of the status of items required by the Consent Decree to have been undertaken prior to the date of this report. However, consistent with the language of the Consent Decree, we respectfully make the following observations, reflections and recommendations:

1. This report embraces a time period from September 13, 1991 to March 13, 1992. A retrospection of the time period immediately preceding this reporting period manifested the flurry of activity by the parties which concentrated on those embryonic organizational matters and document preparations which obviously consumed a great deal of time and effort. This six month report reflects a transition period in which monitoring and compliance by P&A assumed a more

intensive role. This period of time also encircles the legislative budget process which, at the time of this report, has clouded the State's ability to deliver on its Consent Decree obligations by the apparent underfunding embodied by some proposals in the Legislature. This matter bears watching.

2. Simultaneous with the budget process was the dispute revolving around the State's proposed four year plan which culminated in a recent decision by CAB and filed with this Court concerning certain findings and directives raised by P&A, and therefore does not bear repeating in this document. Discussions concerning the subject four-year plan are ongoing at the time of this report, in partial response to CAB's findings and in part to demonstrated need for the parties to work together in a constructive fashion.

3. The discussions concerning the four-year plan also demonstrate a necessity of the parties to accomplish desired goals and objectives of the Consent Decree through an assignment of particular functions to committees. These matters are: 1) discussion of the four-year plan; 2) the issues raised by P&A concerning medical management at both WSTS and community programs; 3) the issues raised by P&A concerning transition issues; 4) the issues raised by the State with respect to extensions for IPP. These issues overlap in many areas but are detailed enough in each arena that substantive discussions are warranted and, as previously indicated, these matters are being discussed and debated and hence is on-going.

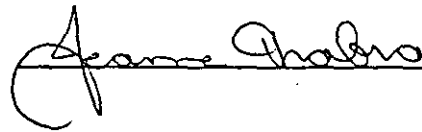
4. The tinder that fueled the need to have such subcommittees originated from P&A's compliance and monitoring functions. In some of its initial reviews of community programs, P&A has articulated concern that community supports and services are lagging behind the anticipated or hoped for placement schedule of WSTS. Medical management issues are a prime example of inconsistency between and within community programs and, in one case that came to

light almost two years after the incident, a death occurred in a community program due to an alleged failure in the medical management process.

5. The next six months will continue to intensify monitoring at community programs as monitoring phases into individual supports and services or the lack thereof. As issues are raised by such monitoring, occasionally systemic changes may be warranted, subject to debate and discussion. One such issue may be the statutory and regulatory framework that govern community programs.

6. The parties are attempting to reach agreement on several matters through the informal resolution process called for in the Consent decree.


JEANNE THOBRO



DANNY WILDE



MICHAEL REESE



STATUS REVIEW OF COMPLIANCE

Note: Scheduled date refers to the time in which the state must submit documents for the review process

Italics: September 13, 1992 to March 13, 1992

ACTIVITY	STATUS
<p>1. Ombudsman</p> <p>Scheduled date:by December 31,1990</p> <p>Completion date:see notes</p>	<p>This activity was extended initially to June 12, 1991. A second extension was granted by Jeanne Kawcak on June 14, 1991 at the request of Mr. Bob Clabby. The extension allowed the State to inform P&A by June 21, 1991 of its proposal to meet the compliance deadline. Mr. William Ryker was hired by the Division of Developmental Disabilities to start July 15, 1991. Informed by letter dated June 27, 1991 by Bob Clabby. This position referred to as Client Rights Specialist.</p> <p><i>This position has been responsive to complaints of abuse and neglect to date.</i></p>
<p>2. Client rights specialist</p> <p>Scheduled date:by March 13, 1991</p> <p>Completion date:see notes</p>	<p>Completed.</p>
<p>3. Community Integration</p> <p>Scheduled date: no date set in agreement</p> <p>Completion date:see notes</p>	<p>Completed.</p>
<p>4. Organization Chart</p> <p>Scheduled date: no date set in agreement</p> <p>Completion date:see notes</p>	<p>A detailed organization chart was submitted on WSTS by letter dated June 27,1991 by Roxanne Ralls. Section 5.13 of the Agreement sets forth the requirement for the organizational chart. Such a chart has not been prepared by the Department of Health., although a letter dated May 29, 1991 to "Legislator" by Jane Sabes, Director of Department of Health, did not include independent case management.</p> <p><i>Organizational charts have been prepared.</i></p>

<p>5. CAB oversight plan</p> <p>Scheduled date: within 45 days of March 13, 1991</p> <p>Completion date: see notes</p>	<p>The State submitted a draft plan dated 4/22/91 to which P&A responded with its plan. At the May 9&10, 1991 meeting in Lander, agreement in principle was reached on staffing. The State promised a new version about the week of July 7,1991 and over the last several months there has been considerable discussion which contributed to the delays in adopting the plan. The State submitted a new draft dated July 5, 1991. P&A responded in letter dated July 18,1991. By letter dated August 27,1991 P&A has provided additional comments on the CAB plan. The proposed plan is still pending.</p> <p><i>A CAB oversight plan is yet to be approved and agreed upon.</i></p>
<p>6. Class member proc.</p> <p>Scheduled date: within 45 days of March 13, 1991</p> <p>Completion date: see notes</p>	<p>This action was to have been completed by May 13, 1991. As of June 19, 1991, this activity was still unresolved. P & A allowed an extension in this matter, and set a June 27, 1991 deadline. A meeting was held in the Governor's conference room on June 27,1991 in an attempt to resolve differences. From P&A were Michael Reese and Danny Wilde; from the State were Steve Zimmerman, Jane Sabes, Ken Heinlein, Bob Clabby, Pat Arp, Dennis Coll and Rowena Eckert. Danny Wilde was delegated the responsibility to draft language on the independence of the evaluation team which was completed on June 28, 1991. Other issues unresolved from this meeting included the issue of case managers for non-class members. With proposals back and forth, agreement was reached and Appendix A was filed with the Court on August 2, 1991.</p> <p><i>Discussion and negotiation continue on certain aspects relating to procedures for applying for eligibility.</i></p>
<p>7. Submit final list of class members</p> <p>Scheduled date: within 45 days of march 13, 1991</p> <p>Completion date: see notes to #6 above</p>	<p>Not completed. The state submitted a list on May 29, 1991 which has not been reviewed for verification, nor whether this list complies with the definition of class members.</p> <p><i>This list is not yet final. As of February 11, 1992, the State acknowledged that P&A's concern about accuracy "was correct" and that the State would be submitting revisions.</i></p>
<p>8. IPP Criteria</p> <p>Scheduled date: within 60 days of March 13,1991</p> <p>Completion date: see notes</p>	<p>Not completed.P&A has made additional comments and the State has not responded.</p> <p><i>The State responded on October 24, 1991 incorporating most P&A comments.</i></p>

<p>9. Civil Rights Handbook</p> <p>Scheduled date: 60 days from date of agreement</p> <p>Completion date: see notes</p>	<p>Not completed. Another draft was prepared by WSTS and P&A responded in memo dated May 7, 1991 that the draft was not acceptable.</p> <p>As of September 10, 1991 P&A has not received any further draft.</p> <p><i>P&A by correspondence dated November 8, 1991 commented on the latest draft and is awaiting receipt of final document.</i></p>
<p>10. Substitution roster plan</p> <p>Scheduled date: June 1, 1991</p> <p>Completion date: see notes</p>	<p>Not completed as of September 10, 1991. The State by and through Shirley Kingston is responding to changes suggested by P&A after a meeting with Shirley Kingston and Danny Wilde in September 1991. A formalized plan was submitted on August 29, 1991, which is after the original scheduled date.</p> <p><i>Completed.</i></p>
<p>11. CAB Budget</p> <p>Scheduled date: within 90 days of appointment, i.e. March 12, 1991</p> <p>Completion date: see notes</p>	<p>After several drafts and comments, the CAB budget was adopted for the first year.</p>
<p>12. Staff training plan</p> <p>Scheduled date: 90 days of date of agreement</p> <p>Completion date: See notes</p>	<p>Not completed. P&A has suggested values based training and submitted information on such training. No resolution of this issue. Based on a recent monitoring check to WSTS, P&A will follow through with more comment and suggestion on training needs.</p> <p><i>A revised training and orientation plan was prepared by WSTS incorporating recommendations of P&A in late October 1991. Awaiting further State response.</i></p>

<p>13. Abuse and neglect reporting system at WSTS</p> <p>Scheduled date: Within 3 months of date of agreement</p> <p>Completion date: see notes</p>	<p>Not completed. P&A has submitted comments; awaiting response from the State.</p> <p><i>P&A is reviewing the latest draft of the reporting system against alleged abuse and neglect allegations to validate the reporting system.</i></p>
<p>14. Plan for technical assistance to the community programs</p> <p>Scheduled date: 90 days of effective date of agreement</p> <p>Completion date: see notes</p>	<p>The technical assistance plan as submitted by the State accompanied the training plan and essentially incorporated the training plan as the technical assistance plan. See previous comments on the training plan..</p>
<p>15. Civil and legal rights of the class members</p> <p>Scheduled date: June 21, 1991</p> <p>Completion date: see notes</p>	<p>A one page document had been handed out during the May 9 & 10, 1991 meeting in Lander This one-page document was commented on and Ken Heinlein was to make changes. P&A has no information on the use of such a document or if the change suggested by P&A was ever made.</p>

<p>16. IEP for each WSTS resident under the age of 21 years</p> <p>Scheduled date: June 30, 1991</p> <p>Completion date: see notes</p>	<p>P&A has been told that this element is completed; however, compliance will verify whether IEPs have been completed .No documents have been submitted to verify this activity.</p> <p><i>IEPs are completed and transition plans are being developed.</i></p>
<p>17. Private, comfortable and sanitary residential setting at WSTS</p> <p>Scheduled date: June 30, 1991</p> <p>Completion date: see notes</p>	<p>P&A acknowledges receipt of a June 27, 1991 report on this matter but P&A has questions in this area and is conducting monitoring to verify the accuracy of the report.</p>
<p>18. Resident population <=301</p> <p>Scheduled date: June 30, 1991</p> <p>Completion date:</p>	<p>Completed.</p> <p><i>The training school is planning accelerated placements that may affect this element sooner than required, but this is an issue that is being discussed and debated.</i></p>

<p>19. Public education plan for the state</p> <p>Scheduled date: June 30, 1991</p> <p>Completion date: see notes</p>	<p>On-going. Several meetings have occurred during the last few months in a mutual and concerted effort to provide public education. However, the State was lax in informing parents and family members about the Consent Decree, which led to some unfavorable publicity during the summer of 1991.</p> <p><i>Ongoing.</i></p>
<p>20. Internal Quality Assurance Plan WSTS</p> <p>Scheduled date: no date set but upon agreement, July 1, 1991</p> <p>Completion date: see notes</p>	<p>The state has submitted a plan but P&A has not yet responded.</p> <p><i>A review of the December 31, 1991 draft Quality Assurance Plan is ongoing due to the serious nature of this plan.</i></p>
<p>21. ENAT preliminary report due</p> <p>Scheduled date: Initial reports by July 1, 1991</p> <p>Completion date: see Notes.</p>	<p>P&A granted extensions in this matter. ENAT reports were due August 30, 1991. P&A has not received reports at this time even though requests have been made.</p> <p><i>ENAT reports have been completed.</i></p>

<p>22. CAB first semiannual report prepared</p> <p>Scheduled date: 6 months from date of agreement</p> <p>Completion date: see notes</p>	<p><i>COMPLETED</i></p>
<p>23. Case Management Rules and Regulations</p>	<p><i>Awaiting state drafts. P & A has responded in writing to draft procedures and policies and has had ongoing discussions.</i></p>
<p>24. IEP review by LEA, IEU of all WSTS class members</p>	<p><i>Completed, except for children whose parents are out of state.</i></p>
<p>25. Area Resource Specialists hired</p>	<p><i>To our best knowledge this has been completed.</i></p>
<p>26. Technical assistance available as required in the T.A. plan</p>	<p><i>Awaiting.</i></p>

<p>27. IPP for all class members at WSTS</p>	<p><i>Ongoing discussion of the State's request for an extension. P & A opposes blanket extension. State has failed to write and implement adequate and appropriate IPP's.</i></p> <p><i>Non-compliance has been cited in numerous cases.</i></p>
<p>28. Case Managers (1:15-25) class members 1991-92 transitions</p>	<p><i>Not all hired.</i></p>
<p>29. Case Managers (1:15-25) Class members going to comm prgs.</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>Ongoing but not completed.</i></p>
<p>30. Case Managers (1:15-25) class members in the community</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>Ongoing but not completed.</i></p>
<p>31. WSTS Four Year Plan</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>This plan is undergoing extensive debate and discussion.</i></p>

<p>32. Rules and regulations to assure quality services</p> <p>Scheduled date:</p> <p>Completion date:</p>	
<p>33. EP review by LEA, IEU of all class members not at WSTS</p> <p>Scheduled date:</p> <p>Completion date:</p>	
<p>34. Annual update of volume and frequency of drugs consumed</p> <p>Scheduled date:</p> <p>Completion date:</p>	
<p>35. Annual update of WSTS policies and procedures</p> <p>Scheduled date:</p> <p>Completion date:</p>	
<p>36. Annual medical and dental exams on WSTS residents</p> <p>Scheduled date:</p> <p>Completion date:</p>	
<p>37. Case Managers (1:50) all WSTS residents (was 31 Dec.92)</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>Completed.</i></p>

<p>38. Case Managers (1:15-25) all other class members</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>Ongoing.</i></p>
<p>39. 162 Life Safety Code beds at WSTS</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>To happen.</i></p>
<p>40. Annually updated training plan</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>To happen.</i></p>
<p>41. Resident population <=270</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>To happen.</i></p>
<p>42. Emerson School closed</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>To happen.</i></p>
<p>43. IPP for all class members receiving community services</p> <p>Scheduled date:</p> <p>Completion date:</p>	<p><i>To happen.</i></p>