



STATE OF WYOMING  
OFFICE OF THE GOVERNOR  
CHEYENNE 82002

MIKE SULLIVAN  
GOVERNOR

September 10, 1992

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RE: Third Semi-Annual Report to the Compliance Advisory Board

Dear Jeanne, Peter and Sondy:

Please find attached the third Semi-Annual Report to the Compliance Advisory Board by the State of Wyoming in the matter of Weston vs. Wyoming State Training School. This report provides information from the Departments of Education and Health, with a State overview written by the Governor's Liaison for the State of Wyoming. Individual Liaison reports from Wyoming State Training School and Community Services, both within the Division of Developmental Disabilities and a report by the Department of Education add detail and specificity to this Semi-Annual Report. In addition, the Independent Case Management Administrator provides information and analysis.

I request that the CAB carefully review this report. I believe that it shows continuing and exceptional accomplishments that are occurring for individuals 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

## *TABLE OF CONTENTS*

<i>Section One</i>	<i>State Overview</i>
<i>Section Two</i>	<i>Wyoming Department of Education Report</i>
<i>Section Three</i>	<i>Wyoming Community Report</i>
<i>Section Four</i>	<i>Wyoming State Training School Report</i>
<i>Section Five</i>	<i>Independent Case Management</i>
<i>Addendum</i>	<i>Emerson School Closure Report to CAB</i>

*SECTION ONE*

*STATE OVERVIEW*

THIRD SEMI-ANNUAL REPORT TO COMPLIANCE ADVISORY BOARD

BY THE STATE OF WYOMING

FOR THE PERIOD 3/14/92 THROUGH 9/13/92

The State of Wyoming continues to follow the timetable of events and activities that are described in the Consent Decree in the matter of Anna Marie Weston, et al vs. State of Wyoming, Wyoming State Training School, et al. This is Civil Action No. C90-0004.

Approximately 62 sequential items are conceptualized in the Consent Decree. As of this writing, 42 of the 62 items have been accomplished.

Throughout the State's implementation of the Consent Decree, Class Member rights and safeguards have been foremost in the minds of individuals who are responsible for implementing and developing WSTS or community based services. To this end, a process was developed to arrive at a Transitional Individualized Programs for each Class Member moving to Wyoming communities. The Transition Process involves staff of the Wyoming State Training School, as well as staff of community programs where the transitions would take place, local school district personnel, and this transition process, envisioned as a key part of the Consent Decree, is chaired by the Independent Case Managers.

In the period of time covered by this Third Semi-Annual Report, 24 Class Members have transitioned to Wyoming communities. This represents four individuals per month over the last six months. Transitions are exceptionally well planned resulting from a great deal of communication between WSTS and community staffs. None of the 24 Class Members placed have been unsuccessful. Adjustments have been appropriate and the placement continues successfully for the Class Member. At this writing, the resident population of the Wyoming State Training School stands at 221 Class Members.

In February of 1992, the CAB directed the parties to meet on a monthly basis. Those meetings have taken place, usually on the last Monday of each month and the meeting has facilitated discussion and meaningful dialogue on items of concern to any of the parties, be it Department of Education, Department of Health or Protection & Advocacy System, Inc..

Recently, the State of Wyoming and P&A have requested that the CAB meet as a team with the parties six times a year, on alternate months, with the meeting alternating between Cheyenne, Wyoming and Lander, Wyoming. The purpose of these meetings, in part, is to measure progress and develop closure on items of the Consent Decree. This process is seen as an important step at this juncture of the Consent Decree and will serve to enhance communication, as well as the examination of the vast array of Consent Decree objectives.

During the period of the Third Semi-Annual Report, the Independent Case Management System has matured and developed. Thirteen Case Managers are currently employed and working actively with Class Members across the State of Wyoming. A Case Management Supervisor is housed in Lander, Wyoming and the Lander Independent Case Management staff has been actively involved in the WSTS portion of transitioning, while the Independent Case Management counterpart in communities chair the Transitional Individualized Plan meeting, to assure continuity between WSTS and community placement.

At the Wyoming State Training School, the past six months have been among the most exciting in its history. During this period, the large dormitory style buildings have either been vastly changed to housing many fewer residents or have no residents at all.

Emerson School officially closed August 31, 1992 and, as the Department of Education Report clearly indicates, local educational agencies are now responsible for the free and appropriate education of Class Members who are school age.

The depth of the WSTS medical staff has been increased with the addition of Dr. Diane Edwards as Medical Director. Dr. Edwards has indicated her interest in being involved in community development of medical resources, as well.

In Wyoming communities, milestones have been reached which are important to the long term services of Class Members and non-Class Members alike. The Division of Developmental Disabilities was successful in developing and implementing the Children's Waiver program, which provides services for children qualifying ages of 0-21.

In addition, a wholly new service was developed and is being implemented in line with specific Class Member needs. The **specialized family home** is an innovative and carefully developed service, which provides support to the natural family or an alternative to the natural family or guardian in communities for Class Members. To successfully implement this program, a system of comprehensive respite care and backup providers has also been developed. Recruitment and development of these important individuals has been the responsibility of the Area Resource Specialists working closely with Independent Case Managers and

Wyoming State Training School staff. The development of just the right combination of individual talents and personalities has been exciting to witness. Obviously, the staff of the State of Wyoming will continue to learn and improve on its current efforts, but this system may be a model for many other states to look at in terms of family-like living situations for Class Members.

This overview is intended only as a snapshot. The real meat of this Semi-Annual Report is contained in the reports by the Department of Education, Wyoming State Training School and the Developmental Disability Community System. A special report by the Independent Case Management Administrator describes one aspect of Independent Case Management work with Class Members who are children, and provides insight into some of the information that is being generated on the Independent Case Management Program.

#### **SUMMARY**

Progress continues to be made. Services continue to be innovatively provided in Wyoming's rural communities. Staff of the Wyoming State Training School, Department of Education, local school districts, DD community programs, both child and adult, as well as the Independent Case Management System, and Protection & Advocacy continue to work together to successfully implement this Consent Decree.

Class Members continue to transition to communities and, where this is not possible, there is special emphasis on continued effective treatment and care of their individual needs. It is clear that the Consent Decree is being followed and implemented in the spirit of its generation.

*SECTION TWO*

*WYOMING DEPARTMENT OF EDUCATION REPORT*

SEMI-ANNUAL REPORT  
SEPTEMBER 1992  
WYOMING DEPARTMENT OF EDUCATION

General Overview

On behalf of the Wyoming Department of Education, I am once again pleased to report that the tasks for which the Department of Education is responsible have progressed in accordance with the Consent Decree. The time period between the last Semi-Annual Report (March 1992) and now, has been the most active in terms of the Wyoming Department of Education's involvement and the progress made in transitioning school age class members from the Wyoming State Training School (WSTS) to communities. This report describes the work done in effecting the transitions of school age class members to in-state and out-of state communities; the training of local school district personnel; the provision of related services and extended school year services to students prior to their transitioning; the status of cases which are awaiting finalization of plans following administrative hearing or medical review; community education activities; plans for follow up services for those who have not yet been able to move to their communities and plans for follow up services for those who have made the transition and are adjusting to a community placement.

Transitions of school age class members to in-state communities

Since the last Semi-Annual Report (March 1992) there has been much done to effect the transitioning of the school age class members from the WSTS.

Immediately following the last report, a meeting was held in Rawlins, WY to facilitate communication among those people who would be involved in the students' transitions. Staff from the WSTS including a physician, occupational therapist, physical therapist, residential direct care staff, educational personnel and community liaison personnel attended; as well as representatives from the Department of Education, Independent Case Management, Department of Health, and P&A. The meeting was chaired by the Governor's Liaison. At this meeting, each student was discussed individually and participants explained the planning

that had occurred thus far for the child and the direction of the intended transition. All participants were invited to list issues of importance which needed to be addressed so that the final transition would be safe and appropriate for the child. The meeting lasted a full day but seemed to be very much worth the effort because numerous issues of concern were addressed regarding each child.

Transition planning continued following the Rawlins meeting. At least monthly, and more frequently during the final summer months, a team of Pat Arp and Margie Simineo from the Department of Education, Sue Mydland from the Independent Case Management Program, Kathy Emmons from the Department of Health and Steve Zimmerman Governor's Liaison met to coordinate transitioning of the students. Frequently a member of P&A also participated in these meetings, usually Dan Wilde.

In an effort to then coordinate with the local school districts, Pat Arp and/or Margie Simineo had frequent conference calls with the local school districts' special education coordinators. Initially this round of conference calls was done every two weeks but as transitioning of each individual child became more imminent, the frequency of contact increased to more than weekly. In a few cases, formal face to face problem solving meetings were held with the Department of Education and local school districts.

At the time of this report, 22 students have transitioned; 8 others are scheduled to transition soon. See Steve Zimmerman's report to the CAB dated August 28, 1992 for a listing of students who have transitioned or are in the final stages of transitioning.

#### Training for school district personnel

In order to help assure that school district personnel were prepared to receive the returning students and properly provide for their needs, training of school district staff was necessary. The Department of Education paid for various types of specialized training as requested by the school districts. Almost all involved school districts took advantage of training opportunities. Districts determined the training needs of their staffs based on the specialized care necessary for their student(s). No training requests were denied.

In addition to attending specialized conferences, workshops and university classes, a number of school district personnel attended training sessions offered directly by the WSTS. WSTS offered formal

classes and also invited all school districts to send a team to spend time with their student(s) and obtain information from the direct care staff. Many school districts did take teams to WSTS to learn the student's routine and learn from WSTS staff members who were familiar with the student's care.

In addition, after polling the school districts regarding their training needs it was determined that a number of districts had similar training needs. Therefore rather than have each district try to arrange the necessary training, the Department of Education arranged three workshops and invited all involved districts. So that the workshops would be geographically accessible and therefore districts would be able to send a number of their staff members, the same series of workshops were offered in three locations; Rock Springs, Casper and Riverton. The topics for all three workshops were: Augmentative Communication, Feeding and Positioning, Partial Participation and Inclusion. More than 60 people attended these sessions.

#### Transitions of school age class members to out-of state communities

Five school age class members were the responsibility of a state other than Wyoming. In all cases, contact was made with the respective state departments of education and those departments were involved in the transitioning process. One student was transferred to Minnesota. The two students who were the responsibility of Nevada were transferred to a residential facility in Utah. The parents of those two students were involved in the placement planning. One student was the responsibility of Texas. However, because the student was almost 21 years of age it was decided that it was best for him to stay in Wyoming and transition into an adult program. One student who was the responsibility of Florida remains at the WSTS. There has been much contact with Florida's Departments of Education, and Health and Rehabilitation and involvement by the Wyoming Attorney General's Office and the Governor's Liaison. Although there were numerous problems with Florida, that was the continued direction of the planning. However, very recently Florida notified us that the parent of this child has moved and Florida will no longer accept responsibility for this student. Therefore a planning meeting is now set for the week of September 14, 1992 to revise the transition plan for this student.

#### Provision of related services and extended school year services to

students prior to their transitioning

Beginning in March 1992, the Wyoming Department of Education hired a physical therapist to provide related services for school age residents at the WSTS. This was done so that a person knowledgeable about the students' therapy needs would be available to school districts to help them in their planning and so there would be consistency for the child between those services received at WSTS and those received once they began attending school in the community.

Then during the summer, extended school year services were offered to all students who still remained at the WSTS. The Department of Education hired professionals on contract to provide occupational and speech therapy as well as continuing the physical therapy services. All of these contracted professionals submitted monthly reports about each of the student's progress. In turn, the Department of Education forwarded this information to the respective school districts so that good transition planing could occur and services would be consistent for the students.

Status of cases which are awaiting finalization of plans following administrative hearing or medical review

Two students have not yet transitioned because their parents requested an administrative hearing. Both of those cases have since been presented to a hearing officer and the hearing officers have issued a decision. Based on the decision in one case, the student is scheduled to transition to an adult residential program by the end of September. The decision on the other case was just received this week and a meeting is set for the week of September 14th to begin implementation of the hearing officer's directive and/or to decide whether or not further legal action is warranted.

Another student's transition has been delayed because no commitment could be obtained from the medical community that needed medical services could be obtained for the student in the community setting. Specialized home care services had been anrranged and the school had devised a plan to serve the student. However, only last week could verification be obtainined that the medical community advised against placement outside the WSTS. A meeting is scheduled for the week of September 14th to re-plan for this student in light of the new information.

### Community education activities

The Department of Education staff have continued their efforts to educate citizens about the process of transitioning students from the WSTS to communities. Diana Ohman, State Superintendent, Pat Arp, Deputy Superintendent and Margie Simineo, Director of Special Education have addressed a number of groups including local school boards, the State Board of Education, and many public interest groups during the last six month period.

In addition, an innovative education project has been undertaken in an effort to educate Wyoming public school students about the process. The Improvisational Theater group of Central High School in Cheyenne submitted a proposal through Laramie School District #1. They proposed to provide Improv training to groups of students from those schools which would be receiving students as a result of the closing of Emerson school and the transitioning of WSTS students to communities. Several Central High School students and a teacher-sponsor traveled to WSTS in April 1992 and spent two days with the WSTS students who would be transitioning. The Central High School students then prepared presentations and demonstrated their skits in Cheyenne on May 8 and May 13, 1992. The reviews were good and the students were encouraged to continue with their project.

In October 1992 this Improv group will be holding a training session for other student Improv and Theatre groups. The intent of this training is to have students pass on to other students their understanding of severely disabled youngsters and to assist the theatre groups in designing a similar skit which could then be demonstrated in their home communities. Such training is scheduled to be done at the Laramie County Community College in Cheyenne and a grant from federal special education funds via the Wyoming Department of Education will pay for the expenses of participants.

### Plans for follow up services for those who have not yet been able to move to their communities

As of the writing of this report, 8 students have not yet left WSTS but are anticipated to transition between now and mid October (two others, discussed above, may or may not transition soon depending on medical and legal involvements). Because these students need to continue to receive educational services and because it would be very cumbersome

for numerous school districts to be trying to arrange for such services for a very short period of time, the Department of Education has arranged for the provision of education and related services for these students. The same individuals who have been providing services through contract with the Department of Education will continue to do so. Services provided will include educational services provided by a special education teacher as well as physical therapy, occupational therapy and speech therapy services. This arrangement facilitates the most consistency for the students since these same service providers have already been working with these students and the home school districts. It is anticipated that this arrangement will no longer be needed by October 15, 1992 since all students capable of transitioning should have done so by then.

There are presently four students not capable of transitioning and it does not seem reasonable to believe that they will be able to do so in the near future. For those four students, the local school districts have made arrangements to provide homebound services at the WSTS which include all needed educational and related services. All of these services are presently in place and a member of the Department of Education has already been to WSTS to assure that the school year began well for these students. During that visit, the Department of Education staff member met with P&A staff to discuss possible concerns regarding the education of the remaining students and those who have already transitioned, so that continued follow up can be provided to assure that the students receive quality services.

#### Plans for follow up services for those who have made the transition and are adjusting to a community placement

Although the local school districts have been intimately involved in the planning for their students and have current IEP's and services in place for those students they have received into their districts, the Department of Education will continue to be involved until the students program is well underway. The Department of Education plans to have a special education staff member visit each school district or residential facility which has a transitioned WSTS student. These monitoring/technical assistance visits will occur between October 1992 and February 1993. The determination was made not to begin the visits until mid-October so that the student's program would be far enough along for a realistic view of services to be seen. Given the number of students to

be individually monitored, the distances to be traveled, and the intent to make more than one visit if technical assistance is needed, we will realistically need until February to complete this process.

#### Future report

In the next Semi-Annual Report it is the intent of the Department of Education to provide up to date information about the progress of each of the transitioned students and a synopsis of the results of the monitoring/technical assistance visits. In addition, if helpful, the Department could provide information about the expenditures made for the educational costs for the students. Start up costs, as expected, have been high but the districts now seem well prepared to implement quality programs.

*SECTION THREE*

*WYOMING COMMUNITY REPORT*

Semi-Annual Report  
March 1992 - September 1992

Division of Developmental Disabilities - Community Liaison Officer

**Quality Assurance in Community Programs - Annual Survey**

The first annual survey of parents, guardians, or significant others of all class members in the community was completed in June. The primary contacts of all class members served by either the regional service providers, or senior class members served in nursing or board and care homes were sent questionnaires about 15 May 1992, requesting that these be returned 1 June 1992. A second mailing was sent on 15 June to all those who did not respond to the first mailing. For both mailings the questionnaire included a letter to the potential respondent explaining the purpose of the questionnaire and encouraging them to respond; the Division paid the postage on the returned questionnaire.

In addition to all class members, the Division sent the same questionnaire to a systematically selected sample of non-class members served by the regional service providers. Three groups of individuals - class members served by the regional service providers, non-class members served by the same providers, and elderly class members served in nursing homes - participated in the survey. The questionnaires were coded such that these three groups would be identified and summary information provided for each group. School aged class members were excluded from this survey, since the Division was not providing residential care. School aged class members served in the community may be included in future surveys as the Division is beginning to provide residential care through the Children's Waiver.

There were 61 adult class members sampled, 86 non-class members, and 34 seniors for a total of 181 in the first mailing. There were 26, 30 and 19 respectively in the second mailing. There were 111

surveys returned for a response rate of 61 percent, which is very good. The Division's target was a 65 percent response rate, which the Division attained (64.9%) for the community. The seniors response rate was 47 percent, an acceptable response rate.

These response rates indicate the respondent's high degree of interest in the provision of services. The high response rates increase our confidence in the validity of the results. The results are presently being tabulated and will be included in the annual quality assurance report that will be issued in December. Here is an overview of the process, the survey instrument, and the results.

#### The Process

The data have been entered into a data base, coded by the three groups identified in the sample. The survey instrument encouraged written comments and many were received. These will be included verbatim in the annual report, but will only be identified by the categories of senior and community. Finer distinctions of the groups would not protect the confidentiality of the respondent, which was assured by both the cover letters and the instrument itself.

There were less than a dozen surveys that were not deliverable because the primary contact moved. The Division, in cooperation with the Case Managers, will correct the list of primary contacts of class members before the next survey scheduled for late spring 1993. A couple of additional changes will be made to the survey.

#### The Instrument

The questionnaire was a single page printed on both sides, with 21 questions or statements, not all of which would have been answered. The survey will be modified before the next year based upon an analysis of the results. One question could not be interpreted

because it was ambiguous; it asked about problems and resolution of those problems, but only allowed for a single response. The questions about the services an individual needs and those that person receives are very similar and may need to be changed. The decisions about question change or modification will depend upon the data analysis, which is not complete. A couple of points can be shared based upon what work has been done on the data.

### The Results

A preliminary review of the data indicates a generally positive impression of the community, but some concerns about staff training. The results also show that the Division needs to communicate with the primary contacts of class members in the community about their status, as some were not aware that they were class members. Importantly, a good percentage of primary contacts are aware of who Independent Case Managers are, which is encouraging, since the Case Manager system did not become fully operational until shortly before the survey was sent. The 1992 survey data is the base year, additional years of data will added to the database to discern trends.

### **Contested Case Procedures**

The Division of Developmental Disabilities promulgated the regulations for contested cases. While the procedures were in process, the Division received a request for a hearing. The hearing was brought by a parent concerned about the possible placement of their child into the community. The Division's hearing procedures were modeled after the Department of Education rules so that school aged class members would not have a separate procedure than exists for education hearings.

### **Class Membership - Admissions**

The State received eight applications for class membership in the period covered by the previous semi-annual report (September 1991 - March 1992). In the six months covered by this report 43 applications have been received. This represents a considerable increase in the number of applications the Department is required to process. Two individuals were denied membership because they were not mentally retarded, two other pending applications have no evidence of mental retardation and are likely to be denied for the same reason, two applicants died after filing applications. Six individuals have been added to the class since March, thirteen applications are still pending.

### **Class Membership - Application Procedures**

Dan Wilde, Protection and Advocacy System, Inc., Steve Zimmerman, Governor's Office and Ken Heinlein, Community Programs Liaison, met to review and, if necessary, revise the Procedures for Adding Class Members. The Procedures included an ambiguous reference to independent evaluation, and did not clearly specify the role of the CAB in making class membership decisions. In addition the original procedures were written presuming that applications would be submitted essentially complete, which has not been the case.

The Ad Hoc Committee met 25 August 1992 and prepared a draft that addressed the problems in the existing version. The draft was then shared with the parties for their review and comment, with the explicit understanding that neither side was committed to the recommendations of the Ad Hoc Committee. At this writing the parties had not scheduled a time to discuss the draft.

### **Quality Assurance Reviews**

The Division has scheduled quality assurance reviews for all the regional services providers during the next 6 months. Some of the reviews will occur after the Annual Quality Assurance report is prepared, but all will be completed by the end of January. Only those on-site reviews scheduled for calendar year 1992 will be included in the 1992 Annual Report, 1993 reviews will be discussed in the 1993 Report.

### **Medication Administration**

The Division is cooperating with a committee assembled by the Department of Health to develop an approach to training for individuals who supervise class and non-class members in the community who self-administer medications. The training will establish a standard that does not presently exist and will address a concern raised by Protection and Advocacy System. The proposed regulations are presently being reviewed by the professional associations in the state, and are expected to be released for public comment later this autumn. Optimistically, the regulations should become effective in early 1993.

*SECTION FOUR*

*WYOMING STATE TRAINING SCHOOL REPORT*

SEMI-ANNUAL REPORT TO THE COMPLIANCE ADVISORY BOARD

FOCUS:

WYOMING STATE TRAINING SCHOOL

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

First, the implementation of the Individual Program Plan (IPP) process has been completed for all individuals. To assure that the IPP processes promote and provide services that are responsive to individual need, WSTS has implemented a Quality Assurance system. This process tracks IPP implementation with a particular focus on individual needs as identified in the IPP document.

Of particular note is the completion of Educational activities for all school-aged children and the beginning of their transitions into community programs. Educational activities concluded with the completion of an Extended School Year program during the summer of 1992 at the Emerson School. As of September 1, 1992, the Emerson School is closed.

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 has been reviewed and adopted by all parties. As the need arises, WSTS will provide updates of this plan to maintain responsiveness to individual needs.

Renovations to improve the capacity for Life Safety Code residences have been completed. Presently, renovations to establish 162 beds which meet life safety codes have been completed. Current renovations are focusing on the "day program" areas and non-residential buildings.

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

**Sections 3.02, 3.05 - Individual Program Plans (IPP) Components:** Criteria was submitted to Protection and Advocacy System, Incorporated (P&A) on May 19, 1991, with reply comments received August 29, 1991. Comments were incorporated into the IPP process and resubmitted to P&A for further review on October 24, 1991. No further comments were received. IPP processes continue to operate as outlined in the WSTS IPP-QMRP Training Manual. Various groups within the Training School and Habilitation Department are examining these processes to ensure that the system is functional and responsive to the care and training needs of our clients.

**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, and transition plans became a part of IPP documents. A review of the process was conducted between the parties to identify and clarify issues or problems in transitioning. This resulted in guidelines being developed by the parties to describe various responsibilities and check points along the way.

**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. IEP's for the 1992-93 school year will be conducted by the appropriate Local Education Agency (LEA).

**Section 3.04(d) - IPP's for all other class members:** Completed for all class members at WSTS December 31, 1991. The ongoing process triggers an annual review which ensures that needs and activities remain current and meaningful.

**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. These continue with a percentage of the plans reviewed monthly and an annual all grounds QA review just completed in June, 1992.

**Section 5.05(h) - Foster Grandparent Program:** Continues as previously reported. As the school age individuals leave WSTS, the number of foster grandparents decreases. We will continue this program as possible to work with the school age group.

**Section 5.03 - Privacy, Comfort and Sanitation:** A report highlighting WSTS' efforts in minimizing the negative impacts of the older dormitory style buildings was submitted to P&A on June 20, 1991. Presently, older dormitory style buildings are being phased out of use with half of Rothwell vacated, Maghee vacated, Hunt scheduled to be vacated in approximately 30 days, and Smith later in the fall.

**Section 5.03(b) - Life Safety Code Beds:** At the time of this report, WSTS has completed renovations on buildings that would reflect 163 beds meeting Life Safety Code Standards.

**Section 5.03(c) - Small Living Units:** Excluding 401 and 404 Meadowview, WSTS 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 1,200 hours usage per month since August 1, 1991.

**Section 5.05(b) - Staff Development:** A plan for revising the current staff training processes at WSTS was submitted to P&A on June 12, 1991. Comments were returned on August 12, 1991. Revisions were submitted October 2, 1991. Comments regarding safety training were received from P&A on November 12, 1991. Dialogue continues on the topic with current comment from P&A being incorporated into our practices.

**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 P&A. A review process for all of WSTS policies and procedures was implemented February 1, 1992.

**Section 5.14 - Records:** Completed as previously reported.

**Section 5.15(a) - Quality Assurance Plan:** WSTS submitted a comprehensive Quality Assurance Plan proposal to P&A for review on June 30, 1991. Comments were received from P&A on September 27, 1991. Revisions were made and submitted to P&A on November 7, 1991.

Implementation of reviewed QA system began December 15, 1991 with a campus-wide review of approximately 245 IPP's. Summary results were given to P&A on December 21, 1991. Another 245 IPP reviews were done in January, 1992. The most recent campus-wide review was completed in June, 1992, with results and plans of correction submitted to P&A.

A process of reviewing 10% to 13% of the IPP's monthly has been implemented with planning in progress to establish departmental measures for participating in regular Q.A. reviews.

**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 P&A on December 31, 1991.

Comments to the Compliance Advisory Board (CAB) from P&A were received on January 15, 1992. Since that time, meetings have been held with P&A which have generated additional draft plans. A plan was agreed upon by the parties in May, 1991 with WSTS committed to on-going review to ensure the responsiveness of the agency plan to client needs.

**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 221 as of September 3, 1992.

**Section 5.07 - Dietary:** Complete dietary lists for special diets have been established and submitted to P&A.

*SECTION FIVE*

*INDEPENDENT CASE MANAGEMENT*

## INDEPENDENT CASE MANAGEMENT

In May of 1992, the second phase of the Independent Case Management program was put in place with the assignment of Independent Case Management to provide case management services for individuals at WSTS.

Also in May of 1992, the Transition Plan developed jointly between staff from WSTS, community programs, Independent Case Management and P&A. As a result of the Transition Plan, Independent Case Management began coordinating the development of the Transitional Individualized Plan (TIP), the document that defines specifically the individual plan of care prior to and for 180 days after a Class Member moves to a community program with emphasis on issues specific to transition.

Both Independent Case Managers at WSTS and in the various communities have focused on the preparation and moving of the school age children to their home communities. Coverage for the children (as well as for transitioning adults) has been "double provided" to insure a well coordinated transition and to insure that issues both at WSTS and the home community are addressed and services are in place.

Independent Case Management is in the process of developing a tracking system to determine how Independent Case Managers' time is spent. During the months of May, June and July, a low, rough estimate of 1,336 ICM hours were expended by Independent Case Managers in the community making preparation for the placements of the school age children. This includes visits to the children at WSTS, working with families, school districts, physicians, community programs and a variety of other service providers.

Currently, there are no statistics on the number of hours Independent Case Managers at WSTS have spent on services to the children.

The focus of this report is on the development of the whole, new, complex, service system necessary for the school aged children to thrive in their home community.

In no way are the Case Management needs of adults being neglected. They are being continuously addressed at or above the level or need each individual requires. For example: cataract surgery has been arranged for some elderly Class Members currently living in a nursing facility. Visits to family and to friends have been arranged for Class Members and transportation provided. Class Members from Fremont County attended the People First Conference in Cheyenne, chaperoned by an Independent Case Manager.

In addition to these "nice", personal involvements, Class Members IPP's, IEP's and IPC's are being attended regularly and plan activities are being monitored.

Independent Case Managers continue to be a point of entry into the DD System, and visit and assist each family interested in applying for Class Membership.

*ADDENDUM*



STATE OF WYOMING  
OFFICE OF THE GOVERNOR  
CHEYENNE 82002

MIKE SULLIVAN  
GOVERNOR

August 28, 1992

922.185

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: Weston vs. WSTS, et al

Dear Peter and Sondy:

This letter is to officially notify you of the fact that a condition of the Weston vs. State of Wyoming Consent Decree has been accomplished before the required date of September 1, 1992. Emerson School is no longer the education provider for school age residents at the Wyoming State Training School.

Please find attached a summary of students who are currently in one of four categories.

Category 1 - Will or have transitioned prior to September 1, 1992.

Category 2 - Students who have either asked or their guardians, on their behalf, have requested fair hearings, which will resolve appropriate community placement.

Category 3 - Students for whom transition is immediate or short term. Community transition is anticipated in one to six weeks.

Category 4 - Students who are considered for continued services at Wyoming State Training School, but for whom education will be provided by the appropriate local school district until such time as evaluation yields a child study team information for which transition can be made.

Peter D. Blanck  
Sondra Kaska  
August 28, 1992  
Page two

It has been important in this process to keep firmly in mind the following principles articulated in the Consent Decree.

1. That Emerson School will close and not be operated by Wyoming State Training School after August 31, 1992.
2. No child will move simply to meet a deadline.
3. No school age Class Member shall be transitioned without a current IEP/TIP.
4. The focus should be to use the greatest amount of parental involvement possible in this process.

In the cases of the Class Members listed below, we believe that all of these conditions have been met.

For those students who will make their community transitions in the short time future between September 1 and October 15, 1992, the State Department of Education will provide the educational personnel and resources to continue free and appropriate education, until such time as local school districts assume that responsibility.

The following is a listing of the students and their current status with regard to community transitioning:

Category 1:

Bill Porter - Has transitioned  
Brittany Gomez - Has transitioned  
Jordan Hall - Has transitioned  
Diana Holcomb- Has transitioned  
J.W. Siebert - Has transitioned  
Amber Toay - Has transitioned  
Rocky Shoyo - Has transitioned  
Amberlee Jereb - Has transitioned  
Joshua Hawkes - Has transitioned

Peter D. Blanck  
Sondra Kaska  
August 28, 1992  
Page three

Kevin Owens - Has transitioned  
Jennifer Nyreen - Has transitioned  
Robert Zehr - Has transitioned  
Richard Maestas - Has transitioned  
Robert Tarrant - Has transitioned  
Chad Henning - Has transitioned  
Michael Gormley - Has transitioned  
Aaron Vaughan - Has transitioned  
Andy Rogers - Has transitioned  
Eric Warren - Has transitioned

Category 2:

Sara Kawalok - Hearing Officer Extension Request  
Misty Himes - (Hearing Court Waiver) 10 day

Category 3:

Lisa Wheeler - Monday, August 31, 1992 progress meeting. October  
1, 1992 anticipated transition date  
Ernie Lamphear - September 3, 1992 anticipated transition date  
Aundrea Jiminez - September 16, 1992 anticipated transition date  
Katrina Patten - September 15, 1992 anticipated transition date  
Connie Jo Franciscovich - September 15, 1992 anticipated  
transition date  
Shon Bennett - To transition September 2, 1992  
Mathew Smith - To transition September 2, 1992  
Brad Spangler - October 1, 1992 anticipated transition date

Peter D. Blanck  
Sondra Kaska  
August 28, 1992  
Page four

John Holwegner - September 15, 1992, CES is providing education  
RENEW will begin 9-15-92

Trista Duran - October 7, 1992 anticipated transition date

Vashawn Lopez - Transition pending Dr. report, health  
concern in rural area. Ongoing discussion  
with doctor since February or March.

Kurt Worden - Florida has accepted responsibility. Transition  
will be as soon as possible.

Category 4:

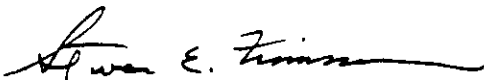
John Engvall - Will continue at WSTS, subject to regular  
education review.

Ian Leicht - Will continue at WSTS

Brent Cleve - Will continue at WSTS

Johnny Gates - Will continue at WSTS

Sincerely,



Steven E. Zimmerman  
Governor's Liaison Coordinator

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

Wyoming State Training School  
Robert T. Clabby, II  
Superintendent

Department of Health  
State of Wyoming

Mike Sullivan, Governor

August 31, 1992

Mr. Steve Zimmerman  
Governor's Liaison Officer  
Herschler Building, First Floor West  
122 West 25th Street  
Cheyenne, WY 82002

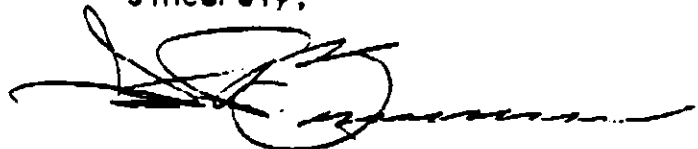
Re: Closing Emerson School

Dear Steve:

As of September 1, 1992, the Emerson School is closed. The final educational function was an Extended School Year (ESY) program during the summer months. At the present time the building has been inventoried and all staff have been either permanently or temporarily reassigned. Plans are being developed for use of this building within our mission with adult clients.

We note this closing, not only as a required action of the Consent Decree, but also as a concrete milestone in the development of community based special education and related services for individuals with developmental disabilities in the state of Wyoming.

Sincerely,



David L. Brunner  
WSTS Liaison Officer

DLB/rcc  
cc: Bob Clabby  
Cliff Mikesell

PROTECTION & ADVOCACY SYSTEM, INC.

2424 Pioneer Avenue, Suite 101

Cheyenne, Wyoming 82001

TTY OR VOICE

1992 OCT 7 PM 1:30

1992 OCT 7 PM 1:30

CLEVER

DEVELOPMENTAL DISABILITIES PROGRAM

(307) 632-3496, Cheyenne office  
(307) 332-5302, Ext. 287, Lander office  
P.O. Box 58  
Lander, Wyoming 82520  
1-800-624-7648, Toll-free Clients Only  
(307) 638-0815, FAX

CLIENT ASSISTANCE PROGRAM

(307) 638-7668, Cheyenne office  
1-800-821-3091, Toll-free/Clients Only  
(307) 638-0815, FAX

MENTAL HEALTH PROGRAM

(307) 635-7817, Cheyenne office  
(307) 789-3035, Evanston office  
350 City View Drive, Suite 207A  
Evanston, Wyoming 82930  
1-800-654-7972, Toll-free/Clients Only  
(307) 789-8631, FAX

September 14, 1992

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

Ms. Shirley Kingston  
Attorney General's Office  
123 Capitol Avenue  
Cheyenne, WY 82002

In Re: Semi-Annual Report:

Dear Compliance Advisory Board Members:

Section 8.03 (e) of the Consent Decree provides that "the parties shall jointly compile semi-annual reports outlining the degree of progress...", including "recommendations." This report is the third such installment.

Consistent with the language of the Consent Decree, we respectfully make the following observations, reflections, and recommendations concerning the progress or lack thereof, regarding the terms and conditions of the Consent Decree.

1. This report embraces a time period from March 14, 1992 to September 14, 1992. This six-month report reflects increased monitoring and compliance activities punctuated by occasional sparring between the parties based upon requests made by P&A for resolution of various issues. These issues include, but are not limited to, access by P&A to information including abuse and neglect reports; proper notice to P&A attorneys of record by the state of Wyoming; and medical management issues. Monitoring and compliance activities are now more dually oriented than during previous time periods in that systemic and individual monitoring is being performed.

2. Discussions among the parties regarding the Four-Year Plan resulted in an agreed upon plan incorporating many changes that were suggested and discussed over a several month period. Other issues or activities that merit attention and are on-going during this time period include discussions on medical management issues both at WSTS and within community programs. A consensus on implementing an effective transition planning process has been achieved. Monthly meetings between the parties has occurred. Press coverage on the closure of Rothwell and Maghee cottages has been sought by both parties and effectively realized.

3. Other issues remain unresolved and need to be addressed which include, but are not limited to, a follow-up of the CAB Directive pertaining to medical management/systemic problems at the Health Care Center of the Wyoming State Training School; extensions of deadlines for the implementation of IPP's; and the CAB oversight plan (although in the latter situation, current discussions of how to resolve disputes has a great bearing on the oversight plan).

4. Reviews of community programs continue to pose questions concerning the capability and timing of such programs to receive and properly provide supports and services to transitioning class members. P&A has articulated concern that, in some cases, community supports and services are lagging behind the anticipated or hoped for placement schedule of the Wyoming State Training School. As school-aged students are being placed in local school districts and adults are being transitioned to community programs, case by case problems frequently arise necessitating resolution on an individualized basis (for example, specialized home care for a student). In general, informal resolution is occurring.

5. Of recent discussion between the parties has been questions raised by Protection & Advocacy System, Inc. concerning alleged systemic medical management issues at the Wyoming State Training School. The parties are close to agreement on not only the above-referenced dispute resolution process but also that a procedure has been put in place to address and handle the systemic issues surrounding medical management issues, including licensing procedures. The time period to accomplish anything of substance will be extensive.

6. The next six months will continue to intensify monitoring at community and local school programs as more transitioning occurs and efforts are focused on individual supports and services or the lack thereof. As issues are

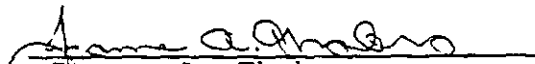
raised at the "local" level by such monitoring, occasionally systemic changes may be warranted. One such issue still may be the statutory and regulatory framework that governs community programs.

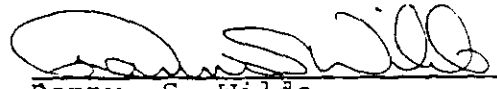
7. Normally, we submit a "box" compliance report which we will assume at a later time. Presently, we are returning to the initial start of the Consent Decree in order to completely review all items to date in anticipation of upcoming CAB meetings. While some issues have been technically completed, we wish to ensure that from a performance aspect, compliance is being met beyond paper assurances.


8. Continuing concerns raised by many staff of the Wyoming State Training School that are communicated to P&A related to staff morale problems and the alleged lack of leadership at the Wyoming State Training School. Within this context are many sub-issues that merit serious and urgent attention and discussion. The previous CAB directive addressed many of these issues. It is beholden to us to continue to review and resolve these issues. We recognize that change is not always welcomed nor wanted by those who are used to a certain way of conducting "business". It is better to address such issues openly rather than allowing circumstances to affect the health and welfare of class members.

9. Staffing issues at the Wyoming State Training School remain a concern. We note that it took the state of Wyoming nearly one and one-half months to respond to our request for staffing information. We remain concerned that ratios are met not only in terms of numbers but in terms of quality and that staffing morale does not have a negative impact on the class members.

Sincerely,

  
\_\_\_\_\_  
Jeanne A. Thobro  
Executive Director

  
\_\_\_\_\_  
Danny S. Wilde  
General Counsel

  
\_\_\_\_\_  
Michael H. Reese  
Attorney at Law