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CLERK OF DISTRICT COURT
CHEYENNE WYOMING

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Dennis M. Coll
Senior Assistant Attorney General
Tort Litigation Division
State of Wyoming
Barrett Building 4th Floor
Cheyenne, WY 82002
(307) 777-6892

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her)
guardian Barbra Weston,)
et al.)
)
Plaintiff,) C90-0004
)
WYOMING STATE TRAINING)
SCHOOL, et al.)
)
Defendant.)

BRIEF IN OPPOSITION OF CLASS ACTION

The Defendants, both individual and agencies, respectfully submit this Memorandum in Opposition to Plaintiff's Motion for Class Certification.

1. Background:

Plaintiffs filed their complaint in this action on January 3, 1990, seeking declaratory and injunctive relief

for alleged violations of individual right, both statutory and constitutional by various defendants.

Statutory authority the Wyoming State Training School is found at W.S. §25-5-101 et seq. §25-5-103 specifically states the legislative intent for the creation of this Board of Charities and Reform facility: "The Wyoming State Training School is established for the diagnosis, evaluation, education, training, custody and care of mentally retarded persons". (Emphasis supplied)

Plaintiffs Motion for Class Certification seeks to certify a class of the following:

1. All current and future residents of the Wyoming State Training School.
2. Retarded persons residing at home who are in jeopardy of being sent to the Wyoming State Training School.
3. Persons who have been transferred to other facilities who may be returned to the Wyoming State Training School.

ARGUMENT

To proceed in this lawsuit as a class action, the named plaintiffs must demonstrate that they have satisfied each of the four prerequisites of Rule 23(a) of Federal Rules of Civil Procedure, at least one of the mandates of Rule 23(b). See Peterson v. Oklahoma House Authority, 545 F.2d 1270, 1273 (10th Circuit 1976.) Moreover, the named plaintiffs must establish their compliance with these requirements under a strict burden of proof. Rex v. Owens, ex.rel. Oklahoma, 585 F.2d 432, 435 (10th Circuit 1978).

The class action device was designed as "an exception to the usual rule that litigation is conducted by and on behalf of the named party only". General Telephone Co. v. Falcon, 457 U.S. 147, 155 (1982). Quoting Califano v. Yamasaki, 442 U.S. 682 (1979). A class action is appropriate only where certification of class would materially advance "the efficiency and economy of litigation which is the principal purpose of the procedure". General Telephone Co. v. Falcon, supra. (Quoting the American Pipe and Construction Company v. Utah, 414 U.S. 538 (1974).

Rule 23(a). Federal Rules of Civil Procedure Rule 23(a) list four criteria that must be satisfied to prerequisite to a class action.

1) The class is so numerous that joining of all members is impractical.

It is submitted that although there is no magic formula for determining the number of members necessary to constitute a class under the Rule 23, numbers involved herein are significantly numerous that joinder of all proposed members is impractical, as being unmanageable and inappropriate for certification. See Robertson v. National Basketball Association, 389 F.Supp. 867 (S.D.N.Y. 1975) (affirmed 556 F.2d 682 (2nd Cir. 1977) (certifying three hundred and sixty-five (365) members); and Massengill v. Board of Education, Antioch Community High, 88 F.D.R. 181, 184 (N.D. Ill. 1980) (wherein the court states that joinder of over one hundred (100) persons is impractical).

On page 3 of plaintiff's Memorandum and Support of Class Certification states,

"The following information is provided to assist the Court in understanding the size of the class; (Emphasis supplied).

Individuals who are developmentally disabled: the estimate number of developmentally disabled persons within the adult population is 5,277...the number of students is estimated at 1760.

2... and 395 individuals at the Wyoming State Training

It is also note worthy to mention that plaintiffs' use the word "developmentally disabled" in their brief but "retarded persons" in their Motion, which according to the attached Affidavit of Rose Kor, developmentally disabled includes people other than those with mental retardation, which, as previously stated, are not subject to statutory placement at the Wyoming State Training School.

2. There are questions of law or fact common to the classes.

The plaintiff alleges the commonality requirement is satisfied when there are either common questions of law or fact, and that Rule 23(a)(2) requires that such questions are common to the class.

Class relief is particularly appropriate when the issues involved are common to the class at a whole, with common

questions of law applicable in the same manner, to each member of the class. See Califano v. Yamasaki, supra.

The plaintiff, in their complaint, demonstrate that there is no common question or fact to the class as the plaintiffs are both adults and represented minors, therefore each subjects, themselves to individual criteria. Plaintiff alleges the Rehabilitation Act, (Count II); the Social Security Act (Count III), the Developmental Disability Act (Count IV); and the Education of the Handicap Act (Count V). Therefore, by plaintiffs own admission, even if the proported class was limited to only those residents at the Wyoming State Training School, subclasses would have to be differentiated, to fairly articulate remedies available to the identifiable members of a particular subclass.

3. Claims or defenses of the representative parties are typical of the claims or defenses of the class.

As stated previously in discussing Rule 23(a)(2), Rule 23(a)(3) requires typicality of claims or defenses. In this case, the plaintiff has demonstrated that it has lost the technicality aspect of bring both minors and adults into the same action for the same type of ruling for both within and

outside the facility, not identifying which specific members of the developmentally disabled segment of the Wyoming population this suit is specifically addressed to.

4. The representative parties will fairly and adequately protect the interest of the class.

Determining the adequacy of representation, the courts consider only two elements:

a.) That the interest of the representative party must coincide with and not be antagonistic to other members of the class; and b.) the representative counsel is qualified and experienced and both the representative party and counsel can be expected to prosecute the action vigorously.

See Eisen v. Carlyle, 391 P.2d 555, 562 (2nd Cir. 1968).

It is presented to the court that the plaintiffs have failed to allege a person who specifically meets the criteria of the proposed class. No individual plaintiff is identified as a future resident of the Wyoming State Training School, as all but one is a current resident, and that is not even alleged in the complaint. There is no plaintiff who is a

retarded person residing at home, nor is any plaintiff individual alleged to have been transferred from the facility may be returned to the Wyoming State Training School. See the complaint in paragraphs 9 through 15.

Rule 23(b) sets for how to maintain a class action which requires the plaintiffs to meet all prerequisites of Rule 23(a). It is asserted that plaintiffs have met this burden as alleged above and, even should the Court should find that those prerequisites have been satisfied, the plaintiff then fails specifically to show to the court that this class action is not maintainable.

5. Rule 23(b)(3) individual questions of fact and law predominate over common questions.

A class action brought pursuant to Rule 23(b)(3) must satisfy two requirements in addition to all of the prerequisites of Rule 23(a): (i) questions of law or fact common to the members of the class must predominate over questions affecting individual members only; and (ii) the class action must be superior, in terms of fairness and efficiency, to other methods of adjudication.

The "predominance" requirement is designed in part to "protect the Court and the public from confusion and waste of resources occasioned by collective adjudication of separate claims . . ." Wilensky v. Olympic Airways, S.A., 73 F.R.D. 473, 477 (E.D. Pa. 1977). Because of the "risk of unfair expense to both defendants and the named individual plaintiffs" should class certification later be found improper, class certification should not be granted if there are any substantial doubts as to whether the plaintiffs will be able to satisfy the predominance requirement. Baum v. Great Western Cities, Inc., 703 F.2d 1197, 1210 910th Cir. 1983).

Consideration of the predominance question is essentially a factual inquiry:

It is necessary to analyze the nature of the putative class's claims, and the proof that would be adduced in support of them. While recitation in the complaint of common questions of fact or law may satisfy bare pleading requirements, when a motion for certification is made the court must look beyond the labels employed, and, on the basis of the record developed since filing, determine whether it is in fact confronted with a legitimate class action.

Feinstein v. Firestone Tire & Rubber Co., 535 F. Supp. 595, 601 (S.D.N.Y. 1982) (emphasis added). Where, as here, "the facts surrounding each class member's claim must be separately considered," Wilensky v. Olympic Airways, S.A., 73 F.R.D. 473, 477 (E.D. Pa. 1977), and there are "potentially vexing individual issues," there can be no predominance of common questions, and a class action does not provide a superior method of adjudication.

As can be seen by the court the individual plaintiff seeking class certification are mostly members within the campus of the Wyoming State Training School, with some subject to community placement including into local public school districts. A class action cannot be maintained the individuals questions of fact predominate over common questions. Therefore, the predominance requirement is defective in this certification.

CONCLUSION

For the above and foregoing reasons the proported class should not be certified.

Dated this 19th day of April, 1990.

Respectfully submitted,



Dennis M. Coll
Senior Assistant Attorney General
Tort Litigation Division

CERTIFICATE OF SERVICE

I, Dennis M. Coll, hereby certify that I served a true and correct copy of the foregoing BRIEF IN OPPOSITION OF CLASS ACTION by depositing the same in the United States Mail, postage prepaid, this 19th day of April, 1990, addressed as follows:

Danny S. Wilde
6921 Bomar
Cheyenne, WY 82001

Michael H. Reese
Wiederspahn, Lummis & Liepas
2020 Carey Avenue, Suite 704
Cheyenne, WY 82001

Michael R. O'Donnell
P.O. Box 1025
Cheyenne, WY 82003

A handwritten signature in cursive script, reading "Dennis M. Coll". The signature is written in dark ink and is positioned above a horizontal line.

Dennis M. Coll
Senior Assistant Attorney General

Dennis M. Coll
Senior Assistant Attorney General
State of Wyoming
Barrett Building 4th Floor
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(307) 777-6892

IN THE UNITED STATES DISTRICT COURT
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ANNA MARIA WESTON, by her)
guardian Barbra Weston,)
et al.,)

Plaintiffs,)

v.)

WYOMING STATE TRAINING)
SCHOOL, et al.,)

Defendants.)

CIVIL ACTION NO. C90-0004

AFFIDAVIT OF STEVE E. ZIMMERMAN

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Steve E. Zimmerman being of the age of at least twenty-one and first duly sworn upon oath depose and states as follows:

1. The affiant is a holder of a Masters Degree in Special Education with emphasis on rehabilitation counseling

from the University of Northern Colorado in 1970. From 1979 to 1984 affiant was the Program Manager of Developmental Disabilities for the State of Wyoming.

2. In 1984 affiant became the administrator of the Division of Community Programs (DCP) of the Wyoming Department of Health and Social Services (HDSS).

3. There are nine (9) regional community based adult programs located in Casper, Cheyenne, Evanston, Laramie, Riverton, Rock Springs, Sheridan, Thermopolis and Torrington. with whom the Division of Community Programs has contracted for services. All these adult programs are recognized by the Commission for Accreditation of Rehabilitation Facilities (CARF), and are accredited to ensure consistent and necessary vocational and residential services for the programs' clients. All facilities have had the contractual requirement of being CARF certified since 1982. At present time, it is estimated that some 450 developmentally disabled citizens in Wyoming are receiving services from these providers. The development disabilities definition for these providers is that set forth in Rose Kors' affidavit, which is not limited services to individuals with mental retardation.

4. There are also thirteen (13) regional offices for

developmental preschools throughout the State of Wyoming to provide services for 1300 youth from age birth to age five (5) years.

5. DHSS/DCP reviews and monitors, including site visits, of all facilities together with client reviews. DCP also reviews and monitors discharge plans to assist in the transition of individual clients from the Wyoming State Training School into one of the nine (9) community based programs. The copy of the ICAP service score levels of citizens in the community programs and the Wyoming State Training School is attached to this affidavit and is marked as Exhibit A and incorporated herein. It should be pointed out that these figures relate only to those with mental retardation.

6. With affiant's employment with the State of Wyoming and a new division and mission for developmentally disabled clients, which was to move some of the population out of the Wyoming State Training School and into community programs. For instance, in 1967 there were 728 clients served at the Wyoming State Training School while the resident client population today is approximately 330. This has forced a change in DCP's budget; i.e. fiscal 1979 - 1980 budget was

\$4,746,000, in 1990 - 1991 bienium it is \$23,425,000.

7. In addition to direct state funding for the legislature to the community based programs, the Economic Development and Stabilization Department has allocated monies to the community based programs in recent years. (See attached Exhibit B attached to this affidavit.)

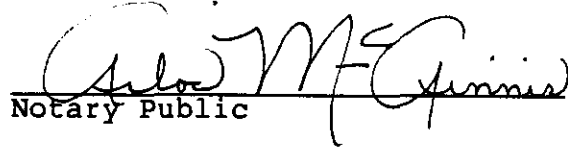
Further affiant sayeth not.


Steve E. Zimmerman

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Subscribed and sworn to before me, a notary public, by Steve E. Zimmerman, on the 17th day of April, 1990.

Witness my hand and official seal.


Notary Public

My commision expires: 4/8/92.

AGENCY NUMBER: 071

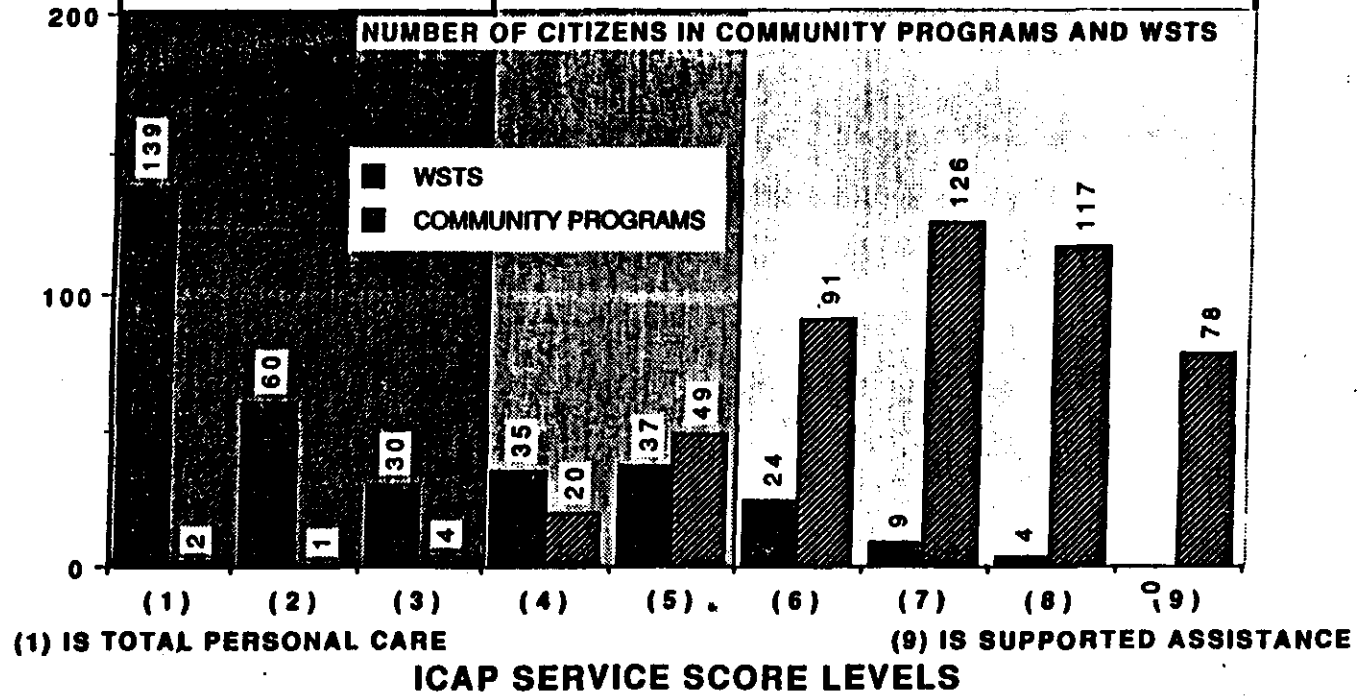
AGENCY HEALTH AND SOCIAL SERVICES

PROGRAM Community Programs
SUB-BUDGET Developmental Disabilities

PROGRAM # 80
SUB-BUDGET # .31

INSTITUTIONAL COMMUNITY SERVICES

FIGURE 1



(1) TO (3) ARE MOST SEVERE (4) AND (5) ARE MORE SEVERE LEVELS (6) TO (9) ARE LESS SEVERE LEVELS

EXHIBIT 4A



THE STATE OF WYOMING

RECEIVED

MIKE SULLIVAN
GOVERNOR

JAN 11 1990

Economic Development and Stabilization Department

TORT LITIGATION DIVISION

HERSCHLER BUILDING, 122 WEST 25TH
(307) 777-7284
1-800-262-3425

MEMORANDUM

CHEYENNE, WYOMING 82002

STEVE SCHMITZ
EXECUTIVE DIRECTOR

Board Members

John Etchepare
Cheyenne, WY 82009

Peter Field
Newcastle, WY 82701

John Hay, III
Rock Springs, WY 82901

Della Lamb
Dubois, WY 82513

John T. Nichte
Lovell, WY 82431

Robert B. Northrop
Evanston, WY 82931

Darrell Ofie
Guernsey, WY 82214

Raymond D. Saunders
Gillette, WY 82716

TO: The Honorable Mike Sullivan
FROM: Steve Schmitz *Stevie*
DATE: January 10, 1990
SUBJ: CDBG funding awarded to community based programs dealing with the mentally handicapped

Listed below are the local community based groups dealing with the mentally handicapped that have received CDBG funding: This list has been compiled and forwarded to you at Dennis Coll's request.

Albany County - Provided a \$300,000 grant to Ark Industries and Rehabilitation Center. (FY84) Funds were used to rehabilitate and enlarge their sheltered workshop facility.

Sheridan County - Provided a \$240,000 grant to RENEW. (FY84) Funds were used to rehabilitate an existing structure for use as a sheltered workshop for developmentally disabled adults.

Hot Springs County - Provided a \$150,758 grant to Big Horn Enterprises. (FY87) Funding was for a dorm type housing and life skill training center for developmentally disabled adults.

Campbell County - A grant of \$213,715 was awarded to RENEW. Funding was for the acquisition and rehabilitation of an existing commercial structure for use as a sheltered workshop for developmentally disabled adults in Gillette. (FY88)

Total Funding \$904,473

In addition to the above projects that deal with developmentally disabled adults, CDBG funds have been used to fund several pre-school centers that offer screening and therapy for developmentally disabled infants and toddlers. Perhaps an argument could be made that the services these centers provide may keep some parents from institutionalizing their children.

Exhibit "B"

Governor Mike Sullivan
page 2

The following represents the preschool centers that have received funding.

Afton - The Star Valley Development Center received \$100,000 for acquisition of a building. (FY87)

Albany County - The Albany County Developmental Preschool Day Center in Laramie received \$160,000. Funding is to be used for correction of serious and life threatening building code violations. (FY88)

Lander - The Lander Child Development group received a \$122,175 grant for construction of a larger building. (FY86)

Newcastle - The Weston County Children's Center received a grant of \$120,500 for construction of a new building. (FY86)

Total funding	\$502,675
---------------	-----------

cc Dennis Coll ✓

Dennis M. Coll
Senior Assistant Attorney General
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(307) 777-6886

IN THE UNITED STATES DISTRICT COURT
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ANNA MARIA WESTON, by her)	
guardian Barbra Weston,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. C90-0004
)	
WYOMING STATE TRAINING)	
SCHOOL, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF ROSE KOR

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Rose M. Kor being of the age of at least twenty-one and first duly sworn upon oath depose and states as follows:

1. The affiant is a holder of a Bachelor of Arts from South Dakota State University, and a Masters in Public

Administration from the University of Wyoming. Affiant is serving as the Human Services Planner for the Governor's Planning Council on Developmental Disabilities in Cheyenne, Wyoming. She is responsible for conducting research for projects concerning individuals with developmental disabilities, adapted by the Council, and producing reports from that research. Prior to serving on the Developmental Disabilities Council, the affiant was special education consultant for the Department of Education in the State of Wyoming.

2. This affidavit is based upon the client's research, education, knowledge and skills in the area of developmental disabilities.

3. The federal definition says a developmental disabilities is a functional definition. This is quite different from other definitions in other laws which affect individuals with disabilities. Compare for instance the Education of All Handicapped Children Act of 1975 (P.L. 94-142) which contains categorical definitions. (See 34 CFR 300.5 and Sections 46 through 53 of the Wyoming Board of Education Rules and Regulations Governing Services to Children and Handicapping Conditions in Wyoming.) These regulations require that a child be determined to fit a

category or type of educationally handicapping condition before services are available to them. The definition of developmental disabilities found in P.L. 100-146 determines the eligibility for services depending on the ability of the person to function in life-skills areas not upon a "diagnosis" of category of handicapping condition. As a result the concept which includes a wide variety of particular disabilities. A group of people with developmental disabilities can easily include people with any of the following categorical labels: mental retardation, cerebral palsy, epilepsy, spina bifida, congenital limb defects, vision or hearing loss, mental illness, severe learning disabilities, and health impairments such as cystic fibrosis, asthma, cancer and others when any three life-skills areas are impaired by the disability.

4. Because the federal definition of developmental disabilities is a functional definition it is also important to note that not everyone who might qualify as having a handicapping condition through categorical definition would necessarily be developmentally disabled. For instance, many children who are identified categorically as speech/language impaired under EHA would not qualify as developmentally disabled. While their speech problem impedes their

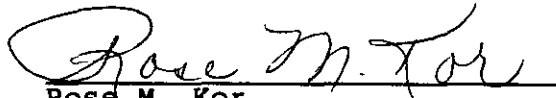
educational progress it may not necessarily affect their life-skills to a sufficient degree to be included within the definition of developmentally disabled.

5. The U.S. Congress, in the findings which preface P.L. 100-146, found that there are more than two million people with developmental disabilities in the United States.

6. On pages 8 through 10 of the Council's Two-Year Transitional Plan the Council discusses the number of individuals in Wyoming who may be considered developmentally disabled. It is estimated that 19 percent of those children currently counted by the State Department of Education on its EHA December 1 count would fall within the definition of developmentally disabled. This estimate was made by calculating number of students which could be expected to live in Wyoming when national incident rates are used (Wyoming population x national incident rate for developmental disabilities) and comparing it to the total of those categorical EHA handicapping condition which most likely contain individuals who would be considered developmental disabled (mentally retarded, blind, deaf, portions of the orthopedically impaired, other health

impaired and seriously emotionally disturbed categories).
The estimates were similar.

Further affiant sayeth not.


Rose M. Kor

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Subscribed and sworn to before me, a notary public, by
Rose M. Kor, on the 17th day of April, 1990.

Witness my hand and official seal.




Notary Public

My commission expires: February 19, 1994

Dennis M. Coll
Senior Assistant Attorney General
State of Wyoming
Barrett Building 4th Floor
Cheyenne, WY 82002
(307) 777-6892

IN THE UNITED STATES DISTRICT COURT
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WYOMING STATE TRAINING)
SCHOOL, et al.,)
)
Defendants.)

CIVIL ACTION NO. C90-0004

AFFIDAVIT OF K. GARY SHERMAN

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

K. Gary Sherman being of lawful age, first duly sworn upon oath deposes and states as follows:

1. Affiant is a holder of a Bachelor's Degree in Psychology from the University of Missouri, a Masters Degree

in Guidance and Counseling from South-West Missouri State University, and is presently completing his Doctorate in Education from the University of Wyoming.

2. Affiant is Executive Secretary of the Bureau of Charities and Reform of the State of Wyoming. That one of his duties is Chief Administrator of the Wyoming State Training School, located in Lander, Wyoming.

3. Affiant has reviewed his records of the past years of the Wyoming State Training School, and calculated that the average population at the Training School to be as follows:

1970	--	702 individuals
1975	--	525 individuals
1980	--	480 individuals
1985	--	410 individuals
1990	--	329 individuals

4. Presently there are 386 individuals on the roles of the Wyoming State Training School with 327 residing in Lander. Fifty-nine individuals are on rehabilitation leave which includes 33 in senior citizens facilities and 26 in other community programs.


5. Of the 386 residents at the Wyoming State Training School, 57 are of 21 years of age or less. Additionally, 83 have legal guardians, while others have guardian-ad-litem appointed and are in various stages of the legal guardianship process.

6. The 1991/1992 bienium budget proposed by the Wyoming State Legislature approved 20 residents per year be removed from the Wyoming State Training School and placed in the Division of Community Programs. At the present time, there are 77 residents, recommended by the Wyoming State Training School to be placed in community programs, however, parents and guardians have approved of only approximately 23 of such placements.

7. The 1981/1982 bienium budget indicates the cost per resident at the Wyoming State Training School at that time was \$24,670.00 per year. The employee/client ratio was 1.19 employees for every resident. The proposed and adopted 1991/1992 bienium budget shows an employee/client ratio of 1.94 employees per individual resident, with an annual individual cost of \$45,285.00. These costs include administration, supportive services, health services, rehabilitation services, salaries, maintainence and upkeep.

8. Attached hereto as Exhibit "A" is the State of Wyoming Four Year Plan.

Further affiant sayeth not.



K. Gary Sherman

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Subscribed and sworn to before me, a notary public, by K. Gary Sherman, on the 17th day of April, 1990.

Witness my hand and official seal.




Notary Public

My commission expires: February 19, 1994

WYOMING STATE TRAINING SCHOOL
FOUR YEAR PLAN
JULY 1, 1990 THROUGH JUNE 30, 1994

The State of Wyoming is faced at this point in time with a number of demands and challenges regarding services for developmentally disabled persons. The Wyoming State Training School is an important part of the statewide service delivery system. In order to be able to respond to these demands as an opportunity for desirable development and change, rather than simply as a series of temporary responses to crises, it is important to have a long-term vision of the key elements of that development. Our task is to ask and begin to answer several major questions. What is the future role of WSTS in the statewide system? What are our goals and priorities for WSTS services? What will the WSTS campus look like within the next four years? How do we get from here to there?

- I. What will be the role of WSTS in the statewide system?
 - A. Utilize its strengths.
 1. Excellent medical service and capabilities.
 2. An increasing ability to concentrate resources to work successfully with persons with special and intensive challenges:
 - a. Medical
 - b. Physical
 - c. Behavioral
 3. Significant existing investment in facilities, many of which are perfectly appropriate for use, and which may not be as readily available or accessible elsewhere:
 - a. Over two dozen smaller residential settings, either currently available or potentially available with some remodeling.
 - b. Acute and long term medical facilities.
 - c. Ancillary facilities adapted for use by persons with physical disabilities, including the swimming pool, chapel, library, gymnasium, new cafeteria and kitchen, and others.
 - d. Staff training facilities and equipment, including a new teleconferencing capability in

conjunction with DAFC and the University of Wyoming.

- e. Administrative and support facilities and equipment.
 - f. A large corps of increasingly well-trained staff who are familiar with the needs of the individuals at WSTS.
- B. Promote and assist in the further development of a wide range of services throughout the state.
1. Coordinate closely with DCP, Department of Education, Vocational Rehabilitation, private providers, medical providers.
 2. Where WSTS staff have special skills, provide outreach training and assist in further development of a statewide training network.
 3. Continue to assist in placement planning for individuals at WSTS.
 4. Provide limited levels and types of temporary and respite services for persons living in Wyoming communities, with an emphasis on short-term services and outreach to help those communities develop their own capabilities based on the needs of specific individuals living in those areas.
 5. Take a leadership role in reviewing the comprehensiveness of statewide services available for individuals with severe and profound levels of disability, including review of the types and mix of services and ways in which WSTS can be more helpful in promoting or developing needed services.
- C. Become not only a residential training facility, but a resource center for the rest of the state, as has been accomplished in other areas of the country.

II. What are goals and priorities for WSTS?

- A. Achieve for every individual served by WSTS a quality of life, training and care which meets the nationally-regarded standards adopted by the Board of Charities and Reform. This goal must be accomplished regardless of level of disability, fund source eligibility, or type of program or living setting.

- B. Prioritize immediate service improvement for those persons who currently live in the most inappropriate settings and receive the most inadequate programs. Address the needs in areas such as Lane, Willson and Rothwell immediately.
- C. Prioritize the development of habilitative and vocational day programs for the more than 220 persons who currently have no productive or beneficial activity all day long.
- D. Prioritize development of smaller, more family-like residential settings both on and off campus, with a goal of providing a range of settings which can be used by 1-8 people. Eliminate completely the use of large, dormitory-like residences.
- E. Prioritize development of integrated educational services for children, working in conjunction with school districts in Lander, Riverton, and elsewhere in the state. Adopt creative approaches to funding, staff-sharing, school schedules, and supportive residential and ancillary services.
- F. Develop service options which promote integration and experiences in community settings, which encourage close contact and participation by families, and which utilize the strengths and resources of WSTS as a major participant in the life of Fremont County communities.
- G. Achieve these goals and priorities in as expeditious and cost-effective a manner as possible.

III. What will the WSTS campus look like?

- A. Every individual will receive an appropriate day program which meets their education, habilitative, and vocational needs.
 - 1. All 60 children at WSTS will continue to receive educational services through Emerson School, and ongoing efforts to integrate services with local school districts. A new program which integrates preschool children at WSTS with the Child Development Services program in Lander will be continued.
 - 2. Eighty-eight individuals will be engaged in habilitative day programs in conjunction with ICF/MR certification.
 - 3. Approximately 50-80 individuals will be engaged in full or part time on-campus work training

opportunities through the establishment of intensive training sites at WSTS. The current use of client workers at high skill levels to perform necessary support functions at WSTS will be gradually replaced by the development of a job-coaching program designed to provide on-campus vocational training and employment opportunities of individuals who would not be able to move into community-based vocational sites as readily.

- 4. Community vocational or independent living skills training sites for 125 individuals will be developed through contracts with private service providers and WSTS. These sites will be located in the Lander/Riverton area, and will provide an excellent transitional step for persons who may later move completely into community settings locally or elsewhere in the state. They will also offer a significant level of immediate community integration and participation for persons who will continue to reside at WSTS.

B. Every individual living at WSTS will reside in a family-style setting with no more than eight persons in a single unit.

- 1. Based on a review of all current or potentially-available on-campus settings which meet this criteria, it is estimated that a total of 200-220 individuals could be appropriately accommodated on campus. This would require significant modification of some buildings, less intensive Life Safety Code improvements at others, and no additional modification at some units (such as the recently certified ICF/MR unit). Examples of settings identified include areas such as Spruce, 502 and 504 Center, the Meadow View homes, and the Health Care Center.
- 2. Existing large dormitory-style residences should not be remodeled for residential use, but instead should be renovated at less cost for day program, recreational, support, and staff uses.
- 3. All areas which are utilized by individuals served at WSTS should meet basic Life Safety Code requirements, regardless of ICF/MR certification status.
- 4. Additional residential capacity, if needed, should be developed through exploration of community-based state or private residential options in the

surrounding Lander/Riverton area. This should include review of a wide range of settings and service mixes.

5. Well-planned and executed movement into community-based settings in other areas of the state should be anticipated for at least 80 individuals. This is in accordance with current projections. In addition, a coordinated review of admission and respite policies should be undertaken to establish well-understood guidelines for any individuals seeking admission to WSTS during this period.

IV. How will we get there?

A. Immediate implications:

1. Continue planning and development of Life Safety Code improvement at Meadow View homes.
2. Refocus resources included in current capital budget request for remodeling of Lane and Smith Cottages to other, potentially more family-like units.
3. Continue our current request for 61 additional staff positions for ICF/MR certification of an additional 56 beds. Begin hiring these staff as soon as possible, and utilize them in high-need areas such as Lane during their initial training period while physical facilities are being remodeled.
4. Request new funding of \$2,340,450 for the upcoming Biennium for the implementation of the contracted day program for 125 individuals.
5. Identify number and type of staff positions which could be shifted to improve weekend or evening coverage in residential areas, and coverage for the development of intensive on-campus work training sites, as a result of the implementation of the contracted day program.
6. Based on the result of the steps taken above, review need for future shifts or budget requests to accommodate further Life Safety Code requirements on campus, further staffing needs, and resources needed for development of additional services situated in the community.