

PROTECTION & ADVOCACY SYSTEM, INC.
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TTY OR VOICE

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CHEYENNE
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CLERK

DEVELOPMENTAL DISABILITIES PROGRAM

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September 10, 1993

SEP 23 1993
CLERK

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

Ms. Sondra Kaska
218 East Washington, #201
Iowa City, Iowa 52240

In Re: Semi-Annual Report

Dear Compliance Advisory Board Members:

We respectfully submit our Semi-Annual Report pursuant to the Consent Decree in Weston, et al. vs. Wyoming State Training School, et al.

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

We observe that the State of Wyoming has made positive strides towards achieving the following:

- * Educational placements for class members
- * Wheelchair technology at the Wyoming State Training School (WSTS)
- * Movement towards positive changes at the Health Care Center (HCC) at WSTS

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- * Continued closure of large dormitory-style buildings at WSTS
- * Movement of class members out of WSTS
- * Revised Mortality/Morbidity Review procedures

We observe the following concerns which include, but are not necessarily limited to, the following:

- * Staffing deficits: For example, with regard to staffing deficits, Protection & Advocacy System, Inc. (P&A) monitors have observed insufficient staffing both at WSTS and at certain community program sites. Additionally, as recently as August 6, 1993, WSTS' Administrative Team findings revealed staffing deficits at WSTS. Random monitoring of certain community programs has also revealed staffing inadequacies.
- * Staff training deficits: Adequately trained staff, both at WSTS and in certain community programs, remains a concern. For example, the most recent WSTS Safety Officer's Report noted significant safety concerns at WSTS. Random monitoring of certain community programs has revealed issues that appear to be the result of insufficient staff training.
- * Sufficient funding: For example, as noted in the August 6, 1993, WSTS Administrative Team findings, adequate funding for services at WSTS remains a concern. Adequate funding for community programs is also an issue. Continued funding for Independent Case Management is an issue. Funding for implementation of IPP services for all class members remains a concern.
- * Lack of statutory guidelines and close state monitoring and oversight: The lack of statutory guidelines and close state monitoring and oversight for community programs, has, in some instances, resulted in a lack of coordination and direction in community-based services. Additionally, the absence of licensing requirements for

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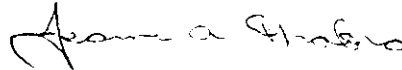
community programs has resulted in health, safety, and welfare issues for clients. Further, a lack of statutory guidelines and close state monitoring and oversight are concerns, as highlighted by Big Horn Enterprises' recent filing for bankruptcy.

- * Lack of adequate behavioral programming: The lack of behavioral programming, both at WSTS and in communities, has resulted in inadequate or inappropriate programming for individuals, including the overuse or inappropriate use of the involuntary commitment process. Individuals with traumatic brain injuries; dual diagnoses of mental retardation and mental illness; or with significant aggression, have, in some cases, received inadequate or inappropriate services at WSTS or in community settings.
- * Lack of implementation of Individual Program Plans (IPPs): Based on random monitoring at WSTS and in some community programs, the implementation of IPP services is a concern. Services must be provided as called for in IPPs.
- * Lack of implementation of a uniform recordkeeping system at WSTS: The lack of implementation of a uniform recordkeeping system at WSTS remains a concern.
- * Class list: A class list pursuant to Weston remains in dispute.
- * Sara K.: The provision of an annual IPP for Sara remains in dispute. Sara's case also highlights a number of systemic concerns.
- * Death investigations: During this report period, P&A staff and consultants prepared a death investigation report regarding a death at WSTS. This document raised questions about possible neglect of a class member. At this time, P&A staff and consultants are conducting several death investigations regarding class members.

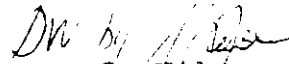
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Without sufficient funding, services, and safeguards, closure remains questionable.

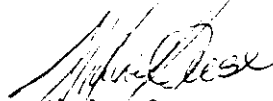
Sincerely,



Jeanne A. Thobro
Executive Director



Danny S. Wilde
General Counsel



Michael Reese
Attorney at Law

c: Distribution List

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DISTRICT OF WYOMING
CHEYENNE

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CLERK

**REPORT TO
THE COMPLIANCE ADVISORY BOARD**

by

**THE STATE OF WYOMING
MARCH 1993 - SEPTEMBER 1993**

SEPTEMBER 13, 1993

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SUMMARY

Six Month Report
March 16, 1993 - September 15, 1993

This document is the fifth semi-annual report prepared by the State of Wyoming relating to the signing of the Consent Decree Weston, et al vs the Wyoming State Training School, et al. This report demonstrates a continued focus of efforts on the items agreed to in the Consent Decree, and the coordinated efforts of the State Department of Education, Department of Health and in particular, individual staff at the Wyoming State Training School, Wyoming's community developmental disability programs as well as public school district personnel and State Department of Education personnel. The results of all these efforts have been opportunity for community service option for a number of individuals who formerly were served at the Wyoming State Training School.

Highlights of this report noted in the Wyoming State Training School report including closure of large dormitory type buildings at Wyoming State Training School and the now nearly complete downsizing of individual programs at Wyoming State Training School. As of this writing, the number of individuals served by the Wyoming State Training School is 170 and the balance of staff to clients in the Consent Decree of 3.5 to one is rapidly approaching. Finally, during this period, parties have agreed to an updated morbidity and mortality process which will be studied by the parties over the next year, but this process promises to provide the opportunity to improve decision making of all parties.

Within Wyoming communities, growth has been quick and challenging over the past two years. Wyoming communities have responded to this challenge both in the further development of developmental disability programs but also in the community commitments. Staff have been recruited, hired and training has taken place on a daily basis across the State sponsored by the State of Wyoming and community providers to make sure that employees have the expertise to discharge their responsibilities in a way that provides opportunities for growth both in terms of abilities and the experience by individuals served. Quality Assurance measures have been developed and administered, they will be the focus of the next Quality Assurance report delivered to all parties. Pro active improvement of programs is the by product of good quality assurance.

The Department of Education has submitted closure items to Protection and Advocacy summarizing and documenting the activities that it has undertaken with regard to this Consent Decree. These submissions for closure are added to the six month report in an effort to provide information to the reader.

The Independent Case Management system continues to advocate for individual Class Members and serve as a point of contact for applicants for class membership. Individual IPP's, IEP's are followed by Case Managers and trends are analyzed with results being provided to the planning teams for use in either revision or further advocacy aimed at providing specific services for Class Members.

The State of Wyoming feels that discussions on closure processes are appropriate at the present time and that the Consent Decree in it's drafting lends itself to determination on a point by point basis as to whether the Consent Decree is implemented.

WYOMING STATE TRAINING SCHOOL

Report to the Compliance Advisory Board

Focus:

Wyoming State Training School

During the last six month period (March 1993 to September 1993) notable progress has been made towards goals established through the Consent Decree, specifically, in the areas of building closures, downsizing of the on-campus population, and downsizing of the staff.

With the appropriate transition of many individuals into community based programming in Wyoming, the Wyoming State Training School has been able to continue with the closure of the Smith and Rothwell buildings. These are both, older dormitory style buildings, which were not adequate to meet necessary life safety standards. At present the only dormitory style building being used for residential purposes is Willson, which houses nine individuals. This building is scheduled to close in November of 1993. At that point, all individuals living on campus would be residing in life safety certified residences. This represents the achievement of a major milestone toward compliance with Consent Decree requirements.

Companioned with the closure of older residential buildings is the downsizing of the on-campus census. Currently this census is 170 individuals. The targeted goal for December of 1994 is 161 individuals, leaving nine more individuals to be transitioned. In January of 1990, the on-campus census was 323. Since that time, 153 individuals have been successfully transitioned into the community program system. As noted above, this represents significant progress towards the targeted goal established by the Consent Decree.

In keeping with the goal of downsizing the census, the Wyoming State Training School has worked very carefully at downsizing the staff also. Presently there are 592 full time staff hired and working for the agency. This is a downsizing from 705 staff working in 1991. In an effort to maintain appropriate services for individuals remaining at WSTS, specific plans were initiated in January of 1993. The intent of management has been to retain as many qualified permanent staff as possible, absorb as many temporary staff as possible, and allow attrition to occur. It was recognized early on that downsizing of the agency could have a devastating effect on the lives individual staff. The fear or threat of "loosing your job" for reasons unrelated to job performance could, in turn, have an undesired effect on individuals being served. The major portion of this "downsizing" has occurred with only a small number of controversies. The net effect of this process has been to achieve a total staff/client ratio of better

than 3.4 staff to each client. Again this represents major progress towards the established goal of a 3.5 to one ratio by December 31, 1994.

The above noted information represents the major focus of accomplishments for the Wyoming State Training School over the past six month period. Other areas of focus include the continued monitoring and refinement of the Individual Program Plan process, the improvement of Day Program services and the "active treatment" model, and the refinement of service delivery to maintain compliance with Consent Decree descriptions of the "institution." The next six to twelve month period will be a period of considerable focus on documenting the implementation of systems within the agency that ensure ongoing compliance with the currently established standards.

WYOMING COMMUNITY

Semi-Annual Report
March 1993 - September 1993

Division of Developmental Disabilities - Liaison Officer

Class Membership - Admissions

The State received fifteen applications for class membership in the period March 1993 through August 1993 and has taken action on three of the fifteen. One person was admitted to the class, two others were denied. Additionally the committee denied membership to one person whose application was received in the previous six month period. Action is pending on the remaining twelve received during this six month period and two from earlier periods.

The history of applications looks like this. The first and only application received during the first six months after the Consent Decree was signed was received in July 1991.

6 applications	October 1991 - March	1992
49 applications	April 1992 - September	1992
17 applications	October 1992 - March	1993
15 applications	March 1993 - August	1993

To date the State has admitted 12 applicants to class membership. In addition, the CAB admitted 2 applicants through the appeal process, who were initially denied membership by the State.

Dan Wilde, Protection and Advocacy System, Inc., Steve Zimmerman, Governor's Office and Ken Heinlein, Community Programs Liaison, revised the Procedures for Adding Class Members. The new procedure presently governs the application process, a copy of which has been submitted to the CAB for filing with the court. The new procedure requires the state to be more aggressive in handling the applications, following up monthly on outstanding requests for information.

Quality Assurance Reviews

The Division is preparing for the 1993 quality assurance reviews for all the regional providers beginning in September. All adult programs will be reviewed by early spring. Those that are completed before the middle of December will have their reports included in the 1993 Annual Quality Assurance Report, the remainder will be included in the 1994 Report.

Annual Consumer Survey

The Division has two consumer surveys in process. The first is the 1993 version of the Consumer Survey, the second is a survey of the parents of class members served by specialized home care providers.

The 1993 Consumer Survey is complete. The first round of the questionnaires was mailed June and the second mailing to non-respondents was mailed in early July. The first mailing resulted in a 44% response rate for class members (n=93) and a 47% response rate for non-class members (n=77). An additional 27 questionnaires were returned after the second mailing, for an overall response rate of about 65%. Nine questionnaires were returned for wrong or expired addresses, these were excluded in the calculation of the overall response rate.

The 1993 questionnaire closely resembled the 1992 survey, with changes to clarify several questions. In particular, the primary contacts were asked to identify the programs providing services and their case manager. The 1992 survey only asked if their person was served in the community and if they had contact with an Independent Case Manager during the previous month. Additional questions were added to the Likert Scale concerning day and residential staff and activities, and the wording changed to reduce ambiguity. The results of the survey will be included in the 1993 QA Report.

The 1993 survey of children in specialized home care was mailed in the middle of August. There are only fourteen class members are in specialized home care. Ten forms have been returned so far, but data analysis not started. Data from these will also be included in the 1993 QA Report.

Residential Lifestyle Inventory

The Division Plan for Quality Assurance in Community Programs proposed the use of the Resident Lifestyle Inventory to measure the amount and degree of integration of class members in community activities. Because of the large number children with special health care needs who left the Training School during the summer of 1992, the Independent Case Managers did not have the opportunity to complete these in 1992. The Independent Case Managers have completed these for 1993. All class members served by the Regional Services Providers were included in this measure of quality assurance. In addition, all class members at the Training School scheduled to move to the community were also included. The RLI was modified slightly for those at the Training School, but the results will still be comparable. Direct care staff for both groups (community and institution) provide the normative frame of reference.

DEPARTMENT OF EDUCATION

INTERIM ISSUES PRESENT - DECEMBER 1994:

Training: Although not directed as part of the Consent Decree, the Wyoming Department of Education is arranging for more training sessions for school district staff. The training was designed based upon needs expressed by school district personnel. The Wyoming Department of Education will sponsor its annual special education conference July 13 - 15, 1993. Among other special education topics, the following sessions will be held which specifically focus on severely disabled students:

- T.E.A.C.H. Program: holistic curriculum for severe/profound needs students
- Communication for severe/profound needs students
- Behavior management for severe/profound needs students
- Health needs of severe/profound learners

One full day of the conference is devoted to issues pertaining to severely disabled students and enrollment demand is expected to be high. Therefore staff members from districts who serve WSTS class members will be given enrollment preference.

In addition to training arranged and/or provided by the Special Education Unit, the Nutrition Division of the Wyoming Department of Education has also been seeking training opportunities to assist food service providers in better meeting the nutrition and feeding needs of multiply disabled children. The Wyoming Department of Education NET Coordinator (Nutrition Education Training) has designed a resource guide for school food service providers. A draft copy of that guide can be found in Appendix D. A few pilot districts will review the document and suggest revisions prior to finalization and dissemination to all districts. Anticipated date of dissemination to school districts is August 1993 so that information is available as the next school year gets underway.

Also, the NET Coordinator is arranging for a question and answer session to be held in the fall via compressed video. The use of compressed video reduces distances travelled and time away from work and thus should increase the number of food service personnel who will be able to attend. A panel of individuals with various areas of expertise will be available to answer specific questions and to help problem solve.

By nature of the system, the responsibility and focus of training provided by the Wyoming Department of Education is on school districts which serve students in grades K-12. However, preschool and adult service providers will be allowed and encouraged to participate in these training activities.

In an effort to provide more information about severely disabled students to school nurses, the School Improvement Unit of the Wyoming Department of Education and the Department of Health entered into a joint project with the Wyoming School Nurses Association. The Wyoming School Nurses Association obtained permission to re-print the school nursing manual which was designed by the Colorado Department of Education and Colorado Department of Health. The document is titled "Procedure Guidelines for Health Care of Special Needs Students in the School Setting." The Wyoming Department of Health and the Wyoming Department of Education plan to provide a copy to every school and to every special education coordinator. The Department of Health and Wyoming Department of Education agreed to share in the printing and mailing costs.

Monitoring: In addition to training, the Wyoming Department of Education will continue to do enhanced monitoring and technical assistance during the interim period of present through December 1994. As all parties know, Wyoming Department of Education special education staff did an on-site review of every student who transitioned from WSTS. These visits were done

from November 1992 - February 1993 and the follow up reports pertaining to each child were given to Protection and Advocacy. A copy of those reports are attached as Appendix E.

The Wyoming Department of Education will do another round of monitoring visits during the Fall 1993 and/or Winter 1994 and will again provide districts with any needed technical assistance. This will provide the Department with a view of the children's placement and ongoing progress approximately one year after movement to the community.

LONGTERM PROCESS AND PROTECTIONS BEYOND DECEMBER 1994:

After December 1994, the WSTS student class members will continue to receive needed educational services as do all special education students within the state. Their rights will continue to be protected under federal law IDEA (Individuals with Disabilities Education Act) and the Wyoming Rules and Regulations Governing Services for Children with Disabilities.

The Wyoming Department of Education will continue to monitor school districts in accordance with the schedule delineated in the State Special Education Plan which is required by the U.S. Department of Education. The Department would also continue to provide technical assistance and special education training.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her)
guardian Barbara Weston, et al.,)
)
Plaintiffs)
)
v.)
)
WYOMING STATE TRAINING SCHOOL, et al.)
)
Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.02
- II. A dictated description

Section 7.02 states: "Emerson School. Emerson School will be closed by September 1, 1992." The CAB (Compliance Advisory Board) was notified by Mr. Steve Zimmerman, Governor's Liaison Coordinator, on August 28, 1992 that "Emerson School is no longer the education provider for school age residents at the Wyoming State Training School." Therefore, the Department of Education requests closure on Section 7.02.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date August 28, 1992.

Documentation is attached or appended as follows:

Letter (dated August 28, 1992) from Steve Zimmerman, Governor's Liaison Coordinator, to
CAB. (with attachments)

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met.

Date _____

Peter Blanck

Date _____

Sondra Kaska

Date _____

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Civil Action No. C90-004

ARTICLE I

- I. Item 7.03
- II. A dictated description

Section 7.03 states: "IEP Review Dates. LEA's/IEU's will convene IEP/CSC meetings to conduct reviews of IEP's and related services by October 1, 1991 for WSTS class members. The IEP's of all other class members living in state facilities will be reviewed by December 31, 1991." A letter dated November 7, 1991 was sent from Dr. Pat Arp, Deputy Superintendent, to CAB notifying them that "pursuant to the Stipulated Agreement, Section 7.03, all Individual Education Plans (IEP's) for students residing at WSTS have been reviewed. These reviews were completed by October 31, 1991 as previously agreed." Then on January 14, 1992 another letter was sent to CAB from Dr. Arp which stated: "This letter is to confirm that the IEP's of all class members residing in state facilities, other than WSTS, are current." Since both aspects of Section 7.03 have been completed, the Department of Education requests closure on this Section.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date October 31, 1991/January 14, 1992.

Documentation is attached or appended as follows:

Letters to CAB from Dr. Patricia O'Brien Arp dated November 7, 1991 and January 14, 1992.

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met.

Date _____

Peter Blanck

Date _____

Sondra Kaska

Date _____

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Civil Action No. C90-004

ARTICLE I

- I. Item 7.04
- II. A dictated description

Section 7.04 states: "Educational Needs Assessment Team. An ENAT will be established by SDE subject to approval of the CAB to review the current IEP's of school-age class members at WSTS and other state facilities. The team will consist of at least three members who are knowledgeable and experienced in one of the following areas including, but not limited to:

- a) early childhood education (3-5 yr. old);
- b) transitional education (16-21 yr. old);
- c) general education of persons with disabilities;
- d) medical matters and/or behavior disorders

The ENAT will make recommendations and shall be a resource for the IEP/CSC and IDT in transitioning those school-age students who are class members to the appropriate and least restrictive educational environment. ENAT's expenses will be paid by the State out of non-Foundation funds upon completion in writing of their recommendations to the parties and CAB. ENAT's initial written reports will be completed July 1, 1991, and sent to the IEP/CSC and IDT."

All of the items required by Section 7.04 were completed in a timely manner. A letter and the Department of Education's portion of the semi-annual report were sent to CAB by Diana Ohman, State Superintendent on September 10, 1991. That overview report reads in part; "A preliminary report was due from ENAT (Educational Needs Assessment Team) on July 1, 1991. On June 25, 1991, the State Department of Education forwarded that report to CAB. Although not under a specific timeline requirement, the ENAT team has been working during the course of the summer and presented an oral overview of their findings to all interested parties on August 23, 1991. Their written report for each child was received by the State Department of Education on August 30, 1991, and copies have been mailed to districts, parents and the Wyoming State Training School." Then on November 26, 1991 a memorandum was sent to Jeanne Thobro of Protection and Advocacy Inc. from Dr. Pat Arp stating: "Attached are copies of five reports done by the Educational Needs Assessment Team (ENAT). These are the reports for all students who are class members and reside in other state facilities. This completes the ENAT process." The Department of Education requests closure on Section 7.04 of the Consent Decree.

III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date June 25, 1991.

Documentation is attached or appended as follows:

Letter dated September 10, 1991 from Diana J. Ohman, State Superintendent, to CAB (with attached excerpt from the Department of Education's semi-annual report).

Memorandum from Dr. Pat Arp to Jeanne Thobro dated November 26, 1991.

IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met. _____ Date _____

_____ Date _____
Peter Blanck

_____ Date _____
Sondra Kaska

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Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.05
- II. A dictated description

Section 7.05 states: "Parent Involvement. All parents of school-age members will be notified about the IEP review process by the State and will be encouraged to be actively involved. In cases where the child is a ward of the State or the parents cannot be located or choose not to be involved with their child's education, that school-age class members (sic) will be assigned a surrogate parent to act on behalf of that child."

All parents were notified of the IEP review process, many chose to be actively involved. In two cases it was necessary to assign a surrogate parent. Even without the WSTS Consent Decree, it is standard, required practice in compliance with federal law IDEA (Individuals with Disabilities Education Act) that parents of all special education children be notified of IEP meetings and that, when necessary, surrogate parents be appointed. Therefore, the Department of Education requests closure on Section 7.05.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date October 1991.

Documentation is attached or appended as follows:
Federal Regulations Implementing Individual With Disabilities Act (IDEA) Part B as
amended March 13, 1993

- IV. Actions by Protection and Advocacy
 - A. Closure accepted by _____ Date _____
 - B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met.

Date _____

Peter Blanck

Date _____

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Civil Action No. C90-004

ARTICLE I

- I. Item 7.06
- II. A dictated description

Section 7.06 states: "Surrogate Parent. The surrogate parent(s) shall be assigned by SDE and thereafter the student's LEA/IEU shall be that of the surrogate parent. The expenses of the surrogate parent shall be paid by the State out of Foundation funds."

As stated in Section 7.05 above, in two cases it was necessary to appoint and train surrogate parents. In accordance with Section 7.06 of the Consent Decree, their expenses were paid. The surrogate parents were from the child's home school district so the assigned school district remained constant. The Wyoming Department of Education now requests closure on Section 7.06.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date October 1991.

Documentation is attached or appended as follows:

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____
B. Closure disputed by _____ Date _____

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Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.07
- II. A dictated description

Section 7.07 states: "The Individual Education Plan. Each written IEP prepared for a school-age class member residing in a state facility shall include:

- a) the date of the initial placement at the facility,
- b) the reason for the placement at the facility;
- c) a summary of the current services provided to, or needed by the student; and
- d) a projected date for transitioning to a LEA/IEU."

All IEPs for school age class members were completed as discussed in Section 7.03 above and included items (a) through (d) as required. Therefore, the Wyoming Department of Education requests closure on Section 7.07.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date October 31, 1991/January 14, 1992.

Documentation is attached or appended as follows:

See documentation submitted with Section 7.03

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

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Civil Action No. C90-004

ARTICLE I

- I. Item 7.08
- II. A dictated description

Section 7.08 states: "Transition. Prior to a student's transition, the LEA/IEU, state facility and SDE will work closely in the transitioning process. The state facility will provide the LEA/IEU with the school-age class member's IPP, educational evaluations, and other relevant records to assist in the transition.

No school-age class member shall be transitioned without a current IEP/IPP."

Prior to the transitioning of every school age class member, Protection and Advocacy was provided notice by Steve Zimmerman, Governor's Liaison. Such notice included a copy of the student's IEP, IPP and other relevant records needed for transition. Copies of these notices and documents are available in each student's file and because of the volume of those records are not duplicated here. Therefore, the Wyoming Department of Education requests closure on Section 7.08.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date June 1993.

Documentation is attached or appended as follows:

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met.

Date _____

Peter Blanck

Date _____

Sondra Kaska

Date _____

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her)
 guardian Barbara Weston, et al.,)
)
 Plaintiffs)
)
 v.)
)
 WYOMING STATE TRAINING SCHOOL, et al.)
)
 Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.09
- II. A dictated description

Section 7.09 states: "Funding. For the first twelve (12) months that an LEA is financially obligated to provide educational services, the LEA shall receive one-hundred percent (100%) of the costs allowable under W.S. 21-13-309(e) payable in twelve (12) monthly Foundation Program payments from the time the obligation commences. The payment shall be predicated on cost estimates agreed to between the LEA and SDE. Thereafter, W.S. 21-13-309(e) shall be used to compute the Foundation Program costs in the usual fashion for such LEAs. LEAs/IEUs may contract for educational and related services for all school-age class members."

In accordance with the above section, school districts are being reimbursed one-hundred percent (100%) of the costs allowable under W.S. 21-13-309(e) for the first twelve (12) months that the LEA is financially obligated to provide educational services. Thereafter, W.S. 21-13-309(e) shall be used to compute the Foundation Program costs in the usual fashion for such LEAs. See Wyoming Department of Education Memorandum dated November 5, 1991 which notified districts of their access to 100% reimbursement and outlined the process for receipt of such funds. The Wyoming Department of Education now requests closure on Section 7.09

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date November 5, 1991.

Documentation is attached or appended as follows:

Wyoming Department of Education Memorandum from Chuck Vanover, Special Education
Consultant, to Wyoming School District Superintendents dated November 5, 1991.

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met. Date _____

_____ Date _____
Peter Blanck

_____ Date _____
Sondra Kaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her)
guardian Barbara Weston, et al.,)
)
Plaintiffs)
)
v.)
)
WYOMING STATE TRAINING SCHOOL, et al.)
)
Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.10
- II. A dictated description

Section 7.10 states: "Other Resources. In order to assure free and appropriate education and related services, SDE may accredit or certify educational programs and related educational support service providers."

In accordance with W.S. 21-2-304b(i) the State Board of Education has the authority to prescribe standards and accredit public schools. During the time period lapped by the Consent Decree and continuing to the present, all school districts in Wyoming had full accreditation status.

Prior to the transition of students to the accredited school district placements, the Wyoming Department of Education contracted with numerous private service providers to provide education and related services for those students still at WSTS. Such services included occupational therapy, physical therapy, speech therapy and general education. All providers held appropriate State of Wyoming certificates or licenses.

All students are now being served by accredited school districts. Therefore, the Wyoming Department of Education requests closure on Section 7.10.

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date June 1993.

Documentation is attached or appended as follows:

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____
B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met. Date _____

_____ Date _____
Peter Blanck

_____ Date _____
Sondra Kaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her)
guardian Barbara Weston, et al.,)
)
Plaintiffs)
)
v.)
)
WYOMING STATE TRAINING SCHOOL, et al.)
)
Defendants)

Civil Action No. C90-004

ARTICLE I

- I. Item 7.11
- II. A dictated description

Section 7.11 states: "Personnel. SDE shall be provided four (4), full time staff positions to comply with the terms and conditions of this Agreement."

The State provided four and one half positions to SDE during the 1991 legislative session. During the budget cuts imposed during the fall of 1991 and the 1992 legislative session, all four and a half positions were left intact. However, the funding for the positions was split between state and federal funds as reported at the CAB meeting on February 21, 1992. Also reported at that meeting, was the fact that although positions were available, not all of the positions had been filled because a number of other Department of Education staff were working on and were responsible for Weston et al related activities. These staff members included the Deputy Superintendent, Director of Special Education, and a number of other special education staff. The positions allocated were not all needed, rather the required duties are being performed by other, more experienced, staff members. Therefore, the Wyoming Department of Education requests closure on Section 7.11

- III. It is recommended by the State of Wyoming that the cited requirement of the Consent Decree has been complied with as of this date March 1991.

Documentation is attached or appended as follows:

- IV. Actions by Protection and Advocacy

A. Closure accepted by _____ Date _____

B. Closure disputed by _____ Date _____

Specific Details of Dispute provide under Dispute resolution is attached or Appended as follows:

C. CAB finds substantial compliance has been met.

Date _____

Peter Blanck

Date _____

Sondra Kaska

Date _____