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# Advocacy Director's Report

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Winter 2008 - Work as of September 30, 2008

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This report represents a summary of the work Disability Rights California staff has reported through September 31, 2008. I'd like to thank those who provided the material to make this report possible.

## COMMUNICATIONS

During this time period, many new communication materials, including press releases, posters, and revised brochures were developed to introduce our name change from PAI to Disability Rights California.

### Press Releases

Three press releases reported on final settlement of the Laguna Honda lawsuit, a call to honor the tens of thousands of people who died in California institutions and were buried anonymously, and an alert concerning guaranteed profits to nursing homes embedded in a bare-bones budget. Details follow:

- August 19 – together with AARP California and the California Advocates for Nursing Home Reform, we exposed a little known law that, unfortunately, was quietly extended during budget negotiations, to continue the guarantee of **nursing home profits** while all other services and benefits faced serious cuts.
- September 12 – together with the California Network of Mental Health Clients and People First California, we published a statewide invitation to join **remembrance ceremonies** at 7 state hospitals and developmental centers in honor of the estimated 40,000 unnamed people who were buried on their grounds.

- September 18 – the groundbreaking settlement of the **Laguna Honda** case (*Chambers v. City and County of San Francisco*) was given final approval by the federal district court, with the judge commenting that he had rarely seen such an impressive outcome.

### **Press Coverage of our Issues**

Over the quarter, spokespersons for the organization were successful in drawing attention to our issues in the Contra Costa Times, the California Progress Report and Justice for All, an influential national disability blog from Washington, D.C. Highlights follow:

- On July 29, the Sacramento Bee reported that the huge rising structure of the addition to the Sierra Vista (psychiatric) Hospital was concrete proof of its “determination to become the region’s largest destination for people in mental health crisis.” Attorney Leslie Morrison was one of several experts quoted as questioning how this **hospital with such an abysmal record** in providing mental health care so far has been able to convince authorities and elected officials that its expansion was merited.
- On August 20, the California Progress Report carried in full our press release about how the guaranteed **nursing home profits should receive exposure** and full budgetary review, considered only against other state expenditures, such as services and benefits for people with disabilities and seniors.
- In September the Contra Costa Times published an in-depth story about the **approach to student misbehavior** in the Acalanes district schools – essentially by implementing a policy of zero tolerance for behavior problems, the district was forcing some students receiving special education to find services elsewhere. Leslie Morrison clarified that Disability Rights California was against the criminalization of behaviors that teachers were by law required to help students reduce or change.

**Communications:** Goal 3

**Disability Rights California Staff:** Leslie Morrison, Barbara Duncan

**Grant Funding Source:** Trust Fund

## **Website**

The main topics we promoted discussion of on the website were:

- Election & voting stories concerning voters with disabilities
- The California budget and the spending plans
- Paralympics in China, especially participation of California athletes
- Sarah Palin's promises to be a "special needs" advocate
- Disability issues at the Democrat & Republic Conventions
- New developments in autism research & treatment
- Mental health issues of soldiers returning from combat

### Website Visits August-September 2008

Similar to last year, visits to our website dipped somewhat during the August vacation period to 16,707 and rose in September to 18,503. During all months, the average page views held at around 3.15.

### Favorite pages

The page visited most often was the homepage of hot topics, 11,009 in August. Visits to jobs, reached 2586 and other top pages in August were About Us and Connect with Us. In September, home page visits went up to 11,009; publications to 6857; while job searches dipped slightly to 2301. Other top pages visited in September were special education issues at 4453 and About Us.

### Favorite publications

Our publications remain popular with internet users and have been fairly consistent over the last year. Special Education Rights and Responsibilities attracted 2017 in August and 4453 in September. Consistently the number 2 publication is Rules Under the Lanterman Act, drawing 1144 in August and 1569 in September. Other publications in the top 5 were: IHSS Nuts & Bolts, 18 Tips about Special Education and IHSS Fair Hearings.

**Communications:** Goal 3

**Disability Rights California Staff:** Barb Duncan, contractors Ruth Ordas and Hizuru Cruz

**Grant Funding Source:** Trust Fund

## LEGISLATIVE ACTIVITIES

The 2007-2008 legislative session is over. Once the next regular session starts, the legislature moves quickly and things can change overnight, so for the most current information on bills or other activities reported here, check Disability Rights California's legislative website:

<http://www.disabilityrightsca.org/legislature/index.htm>

### **Sponsored Legislation: Life and Death in Sacramento**

We worked hard during the quarter on our sponsored pieces of legislation as SB 1515 (Kuehl), and SB 1198 (Kuehl) moved through the legislature and to the governor. For a detailed description of these bills, see the **Fall 2008 AD Report**.

#### SB 1515

SB 1515, our bill on the use of seclusion and restraint in educational settings, made it out of the legislature and to the governor's desk. We met with the governor's staff and explained what it provided that current law does not and what laws and regulations exist in other states on the issue of seclusion and restraint in schools. We also met with Senator Kuehl's staff to strategize about the bill and drafted the letter to the governor and his staff requesting his signature on the bill.

Even with all of the support the bill received, and after extensive successful efforts throughout the legislative process to address concerns from the education community, last minute opposition came from the California State Sheriffs' Association, who said that the bill "... limit[ed] the ... intervention ... available to educational providers to address potentially serious behavioral issues [and] ... would increase the likelihood that law enforcement may be called . . ."

Unfortunately, despite the lateness and speculative nature of the only opposition, the governor agreed and vetoed the bill stating that, in his opinion, "this bill could result in inhibiting school employees from intervening in an emergency situation and place more students at risk of potential harm."

**Public Policy Goals:** 2, 3, 6

**Disability Rights California Staff:** Evelyn Abouhassan, Leslie Morrison

**Funding Source:** Trust Fund

### SB 1198

SB 1198 (Kuehl) Our durable medical equipment (DME) bill, co-sponsored with Disability Rights Education and Defense Fund (DREDF) enjoyed some Republican support in its successful journey through the legislature. As it had no projected state cost, and very small projected cost to employers, we were even optimistic about a signature. However, the governor included SB 1198 in his vetoes of most of the so-called health insurance “mandate” bills.

**Public Policy Goals:** 2, 3, 6

**Disability Rights California Staff:** Deborah Doctor

**Grant/Funding Source(s):** Trust Fund

### **Budget Battle comes to an end ... for now**

Tracking the developments of the state budget was a major focus from the original version in January, through the May and August revisions and the unprecedented wait for a final budget. Because the state stopped paying vendors in July, people and organization serving people with disabilities and people with disabilities themselves were in jeopardy. For instance, some independent living centers and adult day health centers laid off staff and cut back or eliminated services. The budget, which was over 80 days by the time the Governor signed it in mid-September, protected major services which had been targeted, but the Governor targeted senior services for line-item cuts:

- \$11.4 million (\$6.1 million General Fund) from Adult Protective Services
- \$5,978,000 from the Long-term Care Ombudsman and Supportive Services programs, which eliminates 100% of their state funding. This program relies on volunteers to visit people in nursing homes and other institutions and help them with complaints about care and services.
- \$2,526,000 for the Multipurpose Senior Services Program, a case management program which help seniors stay out of or

get out of nursing homes.

For a complete summary of the cuts in the January budget and May revision, including cuts approved during the legislative process, visit our website at [www.disabilityrightsca.org](http://www.disabilityrightsca.org).

Because the budget deficit continues to grow, the governor has called a special session of the Legislature on November 6. We will be tracking and speaking out against additional cuts that harm persons with disabilities.

**Public Policy Goals:** 3, 4, 6

**Disability Rights California Staff:** Evelyn Abouhassan, Deborah Doctor, Brandon Tartaglia, Margaret Johnson

**Grant/Funding Source(s):** Trust Fund, Equal Access

### **Advocacy Work in the Voting Arena**

#### AB 3014: Voting booth time limit extension

We worked with the author and the Secretary of State's legislative liaison to clarify the state elections code, extending the time allowed in a voting booth from five minutes to ten minutes. We were successful in amending the bill to allow for more time for voting, if a person notifies an elections official that they need it. Unfortunately, the Governor vetoed this bill.

#### Secretary of State's Office (SOS) State Plan

The Secretary of State's office has asked Disability Rights California staff to participate in the Help America Vote Act State Plan Advisory Committee. The Secretary sent several parts of the Draft State Plan to members of the committee and asked for comments and suggestions. We are currently working with our partners in the California Association of Voting Advocates and the California Voter Empowerment Circle to review the plan and develop comprehensive comments and suggestions.

Disability Rights California's comments are being designed to elevate accessibility to the same level of importance as accuracy and security, as well as hold the Secretary accountable to the guidelines and promises of previous State Plans. We are pushing for the inclusion of accessibility standards and procedures throughout all

aspects of the plan, including poll worker training, voting machine testing, polling place observation, and complaint resolution procedures.

**Public Policy Goals:** 3, 4

**Disability Rights California Staff:** Brandon Tartaglia, Margaret Johnson, Hillary Sklar

**Grant/Funding Source(s):** Trust Fund, Equal Access

### **Status of Abuse Protection Legislation**

#### AB 2038 (Lieber)

This bill, sponsored by the ARC of California, would help to train police officers to work with people with disabilities and increase reporting and prosecution of perpetrators of abuse. Unfortunately, due to an unfavorable cost analysis in fiscal committee, the bill was defeated. For more details see the **Fall 2008 AD Report**.

**Public Policy Goals:** 3, 4, 5, 6

**Disability Rights California Staff:** Leslie Morrison, Ricardo Jauregui, Evelyn Abouhassan, Brandon Tartaglia

**Grant/Funding Source(s):** Trust Fund, Equal Access

### **Capitol Action Day 2009**

The plans for the 2009 Capitol Action day have already begun. Advocates from Disability Rights California, California Foundation of Independent Living Centers, and others are currently discussing financial plans, venues, and leadership roles. With the state's continuing financial obstacles, the theme of the event, again this year, will likely be the adverse and disproportionate effects of budget cuts on people with disabilities.

**Public Policy Goals:** 4, 6

**Disability Rights California Staff:** Brandon Tartaglia, Deborah Doctor

**Grant/Funding Source(s):** Equal Access

### **Improvements to the Legislative Webpage**

The legislative page on the web has been updated with the most recent position letters on state legislation and we will be updating it with their final disposition. We also added Disability Rights

California's position statements on propositions for the upcoming election. We found last year's website survey to be a valuable tool to improve the website and will update the survey to get more feedback from the public. For more details see the **Fall 2008 AD Report**.

**Communication Goals:** 2, 3

**Disability Rights California Staff:** Brandon Tartaglia, Margaret Johnson, Barb Duncan

**Grant/Funding Source(s):** Equal Access, Trust Fund

# **SELF ADVOCACY ACTIVITIES**

## **DEVELOPMENTAL DISABILITIES PEER SELF ADVOCACY**

### **Training Modules Being Developed and Finalized**

We are developing in collaboration with members of the Peer Self Advocacy Unit a training module on stigma and discrimination faced by people who have life experience and labels representative of both the developmental disability and mental health consumer communities. In addition our training module on the Social Security Administrations Ticket to Work program is in final draft form.

**DDPSA Goals:** 1, Objective C

**Disability Rights California Staff:** Marinda Reed, Maria Marquez, Daniel Meadows, David Solis, Robyn Gantsweg

**Grant/Funding Source(s):** Equal Access, PADD, PAIMI

### **Training and Outreach Activities during the Last Quarter**

During the last quarter of the fiscal year, we provided 22 trainings, presentations and outreaches on a variety of topics such as; Self Advocacy, The California Memorial Project, Supported Living Services (SLS), Abuse Prevention, Individual Program Plan (IPP) Rights, Self Directed Services (SDS), Supported Employment Services (SES), Serving on a Board of Directors, and Civic Participation and Voting Rights. We also provided outreach activities regarding Disability Rights California, OCRA and DDPSAU services to approximately 769 people to groups such; Manteca CAPS in San Joaquin County, Sierra Vista ICFDD in Yuba City, Person Centered Services in Stockton, South Side Arts Center in Placer County, Goodwill Services in Sacramento, Watched Services in Sonora, People First of Placerville, Van Nuys People first in Los Angeles, Vista Services in Los Angeles, Behavior Management Program in Stockton, Goodwill Services in Los Angeles, Abilities First of East Los Angeles and Pasadena, The Lincoln Training Center in Los Angeles, Fairview Developmental Center in Orange County, North Orange

County People First, The Self Advocacy Coordination Project in Sacramento and Sonoma Developmental Center in Sonoma County.

**DDPSA Goals:** 1, Objective B

**Disability Rights California Staff:** Marinda Reed, Maria Marquez, Daniel Meadows, Jenny Olson, Alicia Mendoza, Legal unit staff, OCRA staff.

**Grant/Funding Source(s):** Equal Access, PADD, PAVA

### **DDPSAU Expands to Southern California**

In August Maria Marquez transferred to the Los Angeles office creating an on going local presence for the DDPSAU in the Southern California region. Maria concentrated her efforts during the summer in outreaching to self advocacy groups and programs serving people with developmental disabilities in the greater Los Angeles area in order to get the word out about peer self advocacy services available from Disability Rights California.

**DDPSA Goals:** 1 & 2, Objectives A-C.

**Disability Rights California Staff:** Maria Marquez, DDPSAU staff

**Grant/Funding Source(s):** Equal Access, PADD, PAVA

### **KG Gets Self Advocacy Services**

KG requested assistance from us in order to resolve concerns she had with her service provider and strengthen her self advocacy skills. She was concerned that her supported living skills agency staff were attending her IPP meetings without her permission, were entering her apartment when she was not there, were borrowing things like her birth certificate without asking. She also had problems getting the agency to have a single individual for her to work with during the weekend rather than splitting the weekend staffing into two shifts with different staff. KG received information about her rights and service concerns and was provided self advocacy based guidance and problem solving suggestions. As a result KG was able to successfully resolve most of her concerns.

**DDPSA Goals:** 1, Objective A.

**Disability Rights California Staff:** Marinda Reed

**Grant/Funding Source(s):** Equal Access

## **Voting Rights and Civic Participation Were Hot Topics this Summer**

This year's Presidential elections kept us busy with frequent request for two of our most popular training topics: voting rights and civic participation. One of the trainings was provided to 92 people at the Self Advocacy Coordination Project (SACP) regional meeting in Sacramento during September. The SACP is a regional self advocacy group representing the ten county catchment area served by Alta California Regional Center. Participants were trained on their voting and poll accessibility rights as people with disabilities, non-partisan voter information was reviewed, such as the Easy Voter Guide, and tips were given on how to research candidates and ballot initiatives and how to get assistance for preparing for voting included in their regional center IPP. Participants were provided with the opportunity to take part in the voting rights game during the second half of the presentation.

**DDPSA Goals:** 1, Objective B

**Disability Rights California Staff:** Marinda Reed, Maria Marquez, Daniel Meadows, Jenny Olson, Alicia Mendoza, Jonathon Elson, ThoVinh Bahn and Leilani Pfeifer

**Grant/Funding Source(s):** Equal Access, PAVA

## **PEER SELF ADVOCACY**

### **Peers Actively Participate in the Election Process**

At the Pathways to Recovery Peer Center in San Bernardino County and the Jefferson Transitional Program's Peer Center in Riverside, we provided several voter rights trainings to inform and motivate attendees to become active participants in the voting and election process. As a result, 11 group members registered to vote, and 12 Peer Center members were trained, certified and assigned to poll locations as certified poll clerks for the November election. Peer Center members also engaged in several forums to review and discuss their ideas for civic participation, including drafting a letter to their District Supervisor and City Council to elicit support for a local measure to lengthen the duration of traffic lights to allow more time for people with disabilities to cross the street.

**PSA Goals:** 1, Objective B

**PSA Staff:** Garnet Magnus  
**Grant/Funding Source(s):** PAVA

### **Positive Steps toward Providing Self Advocacy Services at Patton State Hospital**

We have not been able to hold a self-advocacy group at Patton due to ongoing problems created by the lack of sufficient state hospital staff. Recently as a result of our efforts to re-establish a group, Patton staff is now supportive and is providing a person and an escort for the self advocacy group.

**PSA Goals:** 1, Objective B  
**PSA Staff:** Garnet Magnus  
**Grant/Funding Source(s):** PAIMI

### **PSA Group Members Create a Documentary about Self Advocacy and Being a Veteran**

Members of the Peer Self Advocacy Group for Veterans in San Diego created and produced a documentary about self advocacy and their experiences as “veterans helping veterans.” The group members have also been asked to help launch a website for veterans in collaboration with Trilogy, an agency that is developing and improving web access for mental health clients across the country. They will go to San Rafael to participate in this project and will be paid for their services. This is an example of how job opportunities are being created for veterans.

**PSA Goals:** 1, Objective B  
**PSA Staff:** Michael McPherson  
**Grant/Funding Source(s):** PAIMI

### **PSA Group Member Uses Self Advocacy Skills in Court**

Our peer self advocacy staff and peer self advocacy group members at “La Hora del Café” discussed and provided rights information support to one of their members who had been arrested and was scheduled to appear in court. At first, he was afraid to appear in court for fear of deportation, but the group shared their own self advocacy experiences and the consequences of not appearing in court and he decided to attend. As a result he had a positive experience with the help of the judge and public defender who were very understanding

of his predicament. From this experience, he realized the importance of self advocacy, thinking through the consequences of his actions and confronting challenges rather than avoiding them.

**PSA Goals:** 1, Objective B

**PSA Staff:** Senobia Pichardo

**Grant/Funding Source(s):** PAIMI

### **PSA Group Members Use their Self Advocacy Skills**

At the New Visions Clubhouse in Ventura, self advocacy group members developed a petition and invited the program director to participate in one of their meetings to address and discuss member concerns regarding their lack of inclusion in the process of making decisions that affect all Clubhouse members. For instance, group members felt it was unfair that there was a first-come, first-serve policy at their food bank, since people who attended groups were often the last ones to be able to partake of the food supplies that were distributed during their group time. As a result of their advocacy, the policy was changed so that group members could sign up on a list to save them a place in line to pick up their supplies while still being able to attend their group meetings.

**PSA Goals:** 1, Objective B

**PSA Staff:** Robyn Gantsweg

**Grant/Funding Source(s):** PAIMI

### **Sonoma and Marin County Self Advocacy Groups Work on Projects**

At Creekside Mental Health Treatment Program, an IMD (Institute for Mental Disease) for long term care in Santa Rosa, self advocacy group members wanted to learn about their right to community resources and how to be assertive in order to have their needs met when accessing resources in their community. After the training, one group member by applying what he learned in court was discharged from the facility.

At Canyon Manor in Novato, group members wanted to learn about medications. After the group project, one consumer met with his doctor and questioned the purpose of his medications, what his diagnosis was and how the medications prescribed were helpful to

him. As a result, his anti-psychosis meds were stopped since he was never diagnosed with psychosis. Because of his self advocacy skills in getting inappropriate medications stopped, he will be discharged once housing becomes available.

**PSA Goals:** 1, Objective B

**PSA Staff:** Sharon Schmidt

**Grant/Funding Source(s):** PAIMI

### **Sonoma County Contract Self Advocacy Group Plans Events**

The Wellness and Advocacy Center self advocacy group in Santa Rosa has been planning a Disability Rights Day to be held in November followed by a Board and Care day. Both events will be held at the Center and the main focus will be to inform people in Sonoma County about self advocacy groups in that area.

**PSA Goals:** 1, Objective B

**PSA Staff:** Linda Kehoe, Sharon Schmidt

**Grant/Funding Source(s):** Sonoma Contract

### **Napa State Hospital Self Advocacy Group/Self Help Office**

Information and training on Lanterman Petris Short conservatorship was requested. Group members reviewed the materials and understood their rights. In fact, the following week a group member applied what he learned and was placed in the community.

Other self advocacy by the group occurred when group members wrote a letter to the executive director of Napa State Hospital asking for a donation of a computer and printer for the self help office. They have received word that a computer is available and will be donated to the self help office.

**PSA Goals:** 1, Objective B

**PSA Staff:** Debi Davis

**Grant/Funding Source(s):** PAIMI

### **Redding Self Advocacy Groups**

The clients at Crestwood Redding have been studying Voting Information, Patient's Rights, Vocational Rehabilitation, and Success Stories. A few people have court dates coming up and have been

developing a Plan of Action to take to court.

The Stillwater Group moved to the local drop in center, NVCSS Second Home. They have been studying the same topics as Crestwood Redding group. Attendance at the drop in center has increased and group members are making plans to put into action what they are learning.

**PSA Goals:** 1, Objective B

**PSA Staff:** Mark Olberg

**Funding Source:** PAIMI

### **Central Valley Self Advocacy Groups**

The Woodlake Women's Association has been learning about the immigration process and some group members are finalizing their own individual immigration applications.

Both the Huron Women's Group (Asociación de Mujeres Unidas – Huron) and the Coalinga Women's Group (Asociación de Mujeres Unidas – Coalinga) have had various guest speakers on topics such as: abuse and neglect, mental health rights and resources, health issues such as gambling addiction and smoking cessation, county services, and housing and employment rights and services.

All three Central Valley groups are beginning to prepare for next year's 3<sup>rd</sup> Annual Women's Conference in Huron.

**PSA Goal 1:** Objective B

**PSA Staff:** David Solis

**Funding Source:** PAIMI

## **The California Memorial Project Activities**

### **California Memorial Project Remembrance Ceremonies a Success**

Disability Rights California staff participated in September Remembrance Day Ceremonies at ten sites around the state including the following: Patton, Metropolitan, Napa State Hospitals, Sonoma, Agnes, Porterville Developmental Centers, Stockton Rural

Cemetery for Stockton State Hospital, Parkview Cemetery in Manteca for Stockton State Hospital, Valley Green Cemetery in Ukiah for Mendocino State Hospital, and East Lawn Cemetery in Sacramento. Remembrance Day Ceremonies are part of the California Memorial Project's commitment to acknowledging and honoring the people who lived and died at state psychiatric and developmental hospitals. A slideshow presentation provided an overview of the project and some history regarding the treatment of people with psychiatric and developmental disabilities, many of whom were buried in unmarked or mass gravesites that have not been well-maintained or have been replaced by housing developments. Many speakers participated in the ceremonies, sharing their personal experiences as former state hospital residents and family members. People from the mental health and developmental disability communities paid their respects as well. In addition to recitations of poems and presentations of song and dance, a moment of silence was held across the state to honor and remember those who died in state hospitals. Seven hundred fifty people attended statewide.

**PSA Goals:** 2, Objective A

**PSA Staff:** Senobia Pichardo, Garnet Magnus, Robyn Gantsweg, Michael Mcpherson, Sheryl Bradford, Martha Cook, Karyn Farr, Sharon Schmidt, Yvonne McGough, Daniel Meadows, Marinda Reed, Jenny Olson, David Solis, Gabby Poletes Morales, Alicia Mendoza, Rob Chittenden, Margaret Johnson

**Funding Source(s):** Trust Fund, PAIMI, PADD