
Director of Litigation's Report on PAI's Current Advocacy: Cases and Projects

SUMMER 2008 - Work as of April 30, 2008 – Report No. 52

This report represents a summary of the work PAI staff has reported from January 15, 2008 to April 30, 2008. Many thanks to those who provided the material to make this report possible.

ABUSE AND NEGLECT

PAI Monitors Abuse against People with Disabilities in Skilled Nursing Facilities

SNF Project—Monitoring Abuse Against People with Disabilities.

PAI's Investigations Unit (IU) reviews numerous Department of Public Health (DPH) licensing citations every month. Many of these citations describe abusive acts committed by staff against individuals with disabilities living in skilled nursing facilities. The citations do not always indicate whether these incidents are also reported under the Elder Abuse and Dependent Adult Civil Protection Act, Welfare and Institutions Code (WIC) § 15600 *et seq.* The IU has initiated a project to determine whether incidents of abuse and neglect are reported as required, to whom, and whether they were investigated and criminally prosecuted. Cases the IU plans to open up include:

- A resident was forced into a whirlpool bath despite a large skin tear and over his adamant objection. The resident's skin tore easily and he sustained a large tear from his armpit to his wrist during transfer to the bath. Staff forced him to remain in the bath despite his screaming to be removed. The resident described his level of pain from the tear as 10 on a scale of 1 to 10. He later described the incident as follows: "It was horrible. I had no control. I felt like I was drowning. I yelled to get out. They took their sweet time."

- A nursing resident reported to two members of the housekeeping staff that she had been raped and identified the alleged perpetrator. The housekeeping staff notified the charge nurse, who failed to make an abuse report because she assumed the housekeeping staff had taken care of it and because “she was too busy.” It is unknown if the incident was ever reported to law enforcement or the ombudsman.
- On two separate instances, a staff member with a history of performance issues abruptly pushed frail, elderly residents who used wheelchairs and let go of them, sending the residents crashing against the wall. In both incidents, the residents were then left unattended against the wall despite requiring staff supervision and assistance in all activities of daily living.
- Two residents were physically assaulted by a “big” nurse’s aide. One resident was slapped across the face and told to “shut up” when he complained of being cold. Another resident was slapped on the hip when the aide was changing her briefs, leaving a painful red mark. When the resident complained, “Oh, you hurt me,” the aide paid no attention.

The IU’s investigation of an even more concerning case revealed that while the facility followed appropriate procedures and the abuse reporting law, in the end, the assailants were not criminally prosecuted. Two direct care staff had been observed teasing and pinching a resident’s nipples and penis. The resident indicated that one of the direct care staff took feces from his briefs and placed it in his mouth. The resident later identified the alleged perpetrators. Three staff members who witnessed the teasing and pinching reported the incidents to the facility administrators who promptly notified the local Long Term Care Ombudsman and the DPH. The Ombudsman informed the police and the county District Attorney while the DPH initiated a thorough investigation in conjunction with law enforcement. Ultimately, the District Attorney declined to press charges against the staff involved.

Abuse & Neglect Goals and Objectives: Goal 1, Objective A

PAI Staff: Paul Duryea, Ricardo Jauregui, Pamela Lew, Leslie Morrison and Jung Pham

Grant/Funding Source(s): PAIR

BENEFITS

PAI Receives Favorable Rehearing Result for Client in IHSS-EPSDT Case

M. is an 18 month old child with disabilities, including oxygen dependence as a result of her premature birth. M. receives IHSS, Regional Center services, and EPSDT nursing services.

M.'s mother, who is her IHSS provider, contacted PAI after she had requested more IHSS hours to care for M. (who needs 24-hour monitoring and assessment to ensure she receives enough oxygen). An Administrative Law Judge at a fair hearing found that M. was not entitled to IHSS services to the extent that M.'s EPSDT services duplicated those services and therefore denied the request for more hours. M.'s mother requested a rehearing, and it was granted on the issue of whether or not EPSDT services could be considered alternative resources by the IHSS program.

PAI represented M. and her mother in the rehearing and argued that M.'s EPSDT services should not be considered alternative resources. The rehearing decision, issued at the beginning of April, held that EPSDT services are not alternative resources, and awarded M.'s mother back wages of approximately 43 hours per month, retroactive to M.'s original application to the IHSS program. This amounts to approximately 14 months of back wages and will significantly assist M. and her family. Additionally, M. will continue to receive approximately 132 hours of IHSS per month going forward. A finding that EPSDT cannot be considered an alternative resource to the IHSS program will help many other children in situations similar to M.'s.

Benefits Goals and Objectives: Goal 2, Objective A; Goal 3, Objective A

PAI Staff: Maggie Roberts, Elissa Gershon, Kim Swain, Elizabeth Zirker

Grant/Funding Source: PADD, PAAT

SSDI Beneficiary Receives Expedited Reinstatement of Benefits and a Favorable Decision on a Waiver of an Overpayment

E.W. is a 45 year old woman with a mental disability who became entitled to Social Security Disability Insurance (SSDI) in January 1990. E.W. worked off and on in 1995 and 1996 and again in 2000 to July 2005. Due to E.W.'s earnings, her SSDI was terminated and SSA charged her with a \$44,395 SSDI overpayment. E.W. filed for a waiver of the overpayment.

A PAI advocate assisted E.W. in obtaining Expedited Reinstatement of Benefits (EXR) of her SSDI benefits. After 6 months on EXR, SSA approved E.W.'s eligibility for continued SSDI benefits. However, SSA recouped all of E.W.'s retroactive benefits to offset the SSDI overpayment and began to withhold her monthly SSDI check to recoup the rest of the overpayment. Later, after showing that taking all of E.W.'s SSDI created a hardship, SSA agreed to give her a partial check every month.

SSA denied E.W.'s waiver request. SSA found E.W. was at fault in causing the overpayment and that no hardship existed because she had resources from which to repay the overpayment. The resources in question were a \$10,000 savings account and a 4-unit apartment complex owned by E.W. from which she received \$4,230 in rent per month. E.W. requested a hearing with the Office of Disability Adjudication and Review (ODAR).

In preparing for the hearing, the PAI advocate requested E.W.'s SSDI file from SSA, but her file could not be found at the local SSA office or at ODAR. Fortunately, E.W. kept meticulous records and had copies of notices, work activity reports, continuing disability reviews, and correspondence with SSA.

At the hearing, with regard to fault, E.W. provided documentation that proved she reported her earnings and that SSA knew she worked. With regard to hardship, E.W. was able to show that she used the money in her savings account to pay property taxes and for her everyday living expenses when SSA stopped her benefits. Evidence was also introduced to prove that the monthly rent was not enough to cover the mortgage, homeowners association, property management and monthly maintenance fees, leaving her in the red every month. Also submitted was a real estate agent's declaration and comparables (sales figures of like property in the area) to show that E.W. owed more on the property than what it was currently worth. The property was up for sale and it was expected that she would have to sell it at a loss. As a result of all this evidence and E.W.'s testimony, the Administrative Law Judge waived the overpayment.

Benefits Goals and Objectives: Goal 1, Objective A

PAI Staff: Jerri Ward

Grant/Funding Source: PABSS

Settlement Reached in Laguna Honda Class Action

See DISCRIMINATION SECTION, *supra*.

PAI Advocacy Helps Client to Secure Community Based Mental Health and Supportive Services

See MENTAL HEALTH SECTION, *supra*.

PAI Provides Technical Assistance to get Health Plan to Cover Needed Infusions.

J.M.W. has a diagnosis of chronic inflammatory demyelinating polyneuropathy (CIPD), a neurological disorder characterized by progressive weakness and impaired sensory function in the legs and arms. Until her Medicare kicks in, her healthcare is through her former employer's self-insured health plan. Because it is a self-insured plan, under ERISA it is not subject to state consumer protection laws governing health plans – even though it is administered by an entity that also sells group and individual health plans.

J.M.W. received intravenous immunoglobulin (IVIg) infusions, which had the positive effect of making her less dependent on her wheelchair and improved her functioning. When the health plan denied payment and prospective authorization, the treatment was stopped because J.M.W. could not afford the \$20,000 a month cost and J.M.W.'s level of functioning regressed.

PAI's research and review of the records indicated that IVIg infusions are a standard, first-line treatment for CIPD but that there had been an earlier diagnosis of lupus (SLE). At PAI's recommendation, J.M.W. got her treatment team to write a report detailing the basis for the CIPD diagnosis and why the earlier diagnosis of SLE was incorrect - and also to document the positive results from the IVIg infusions. PAI also worked with J.M.W. on her e-mails and phone calls to the Health Plan with the result that the denial was pulled back to be redone as an initial determination that was approved. Among the things J.M.W. requested in the event the request was again denied was a copy of any guidelines used in approving or denying IVIg infusions and the specific grounds for denying the treatment in her case. With IVIg infusion treatment resumed, J.M.W. has been able to regain the ground she lost when treatment was interrupted.

Benefits Goals and Objectives: Goal 2, Objective A

PAI Staff: Marilyn Holle

Grant/Funding Source: PAIR

L.N. is Discharged From Hospital to His Cousin's Home Rather Than to a Nursing Facility Over 250 Miles Away.

L.N. is dually eligible for Medi-Cal and Medicare and someone who has lived the last 10-12 years in a nursing facility because of quadriplegia from an accident. He has bounced between nursing facilities and acute hospitals because of the inability of community nursing facilities to maintain his health stability.

L.N. had been hospitalized for about a month and the sending nursing facility refused to take him back. The hospital proposed to send L.N. to a nursing facility over 250 miles away, far from the family that regularly visits him. L.N.'s cousin called PAI for help to prevent him from being transferred to the facility that day and for help in bringing L.N. home instead.

That same afternoon, PAI faxed a letter to L.N. and his cousin at the hospital that explained L.N.'s right to return to any currently open bed or to the next available bed in the sending nursing facility under the federal Nursing Home Reform Act and under State licensing regulations. The letter went on to explain the hospital's discharge planning obligation as follows: (a) assessment of cousin's home to identify barriers to be addressed; (b) identifying and arranging for any equipment needed in the home; (c) enlisting the help of a Medicare home health agency to assist in the transition home; (d) ensuring that the Cousin receive the training needed to meet L.N.'s health care needs; and (e) expediting the processing of the IHSS application.

The community hospital delayed discharge a few days to L.N.'s cousin's home to enable it to do the home assessment, arrange for delivery of the needed equipment including a Hoyer lift, and arrange for transitional home health care and training of the cousin. L.N. is on the Nursing Facility waiver waiting list and his IHSS is being processed – delayed in part by the nursing facility that refused to take him back but continued to bill Medi-Cal as if he were still a resident.

Benefits Goals and Objectives: Goal 3, Objective A

PAI Staff: Marilyn Holle

Grant/Funding Source: PAIR

Regional Center Purchases Turny Seating System and Assesses for Waiver Services

Z.M. is an eighteen year old non-ambulatory, non-verbal individual with developmental disabilities. He currently lives with his mother, a single parent with health problems, who provides his attendant care.

Z.M.'s mother contacted PAI for advocacy assistance in obtaining an assessment of her son's need for assistive technology (AT) that would enable her to safely transfer him to and from her vehicle. PAI agreed to attend Z.M.'s Individual Program Plan (IPP) meeting with the Regional Center of Orange County (RCOC).

At the IPP meeting, RCOC denied Z.M.'s request for an AT assessment and eligibility for the Developmentally Disabled Waiver (DD Waiver) that authorizes home and community-based services for people with developmental disabilities who are Regional Center clients. RCOC also refused to place an AT goal for transportation in Z.M.'s IPP. In light of these denials, PAI agreed to represent Z.M. at a hearing.

Before the hearing was set to take place, RCOC reversed its position on DD waiver eligibility and AT assessment. The AT assessment resulted in Z.M. obtaining a Turny seating system in his mother's vehicle. PAI also obtained interim transportation for Z.M. from RCOC while the Turny system was being installed. Z.M.'s mother reports that she is now able to transport Z.M. safely to vital therapy and medical appointments.

Benefits Goals and Objectives: Goal 2, Objectives A & B

Lanterman Goals and Objectives: Goal 1, Objective A

PAI Staff: Aleyda Toruno, Michelle Porche

Grant/Funding Source(s): PAAT

Z.M. Obtains Assessment for Assistive Technology Needs Through California Children's Services

Z.M., referred to above, requires assistance with all activities of daily living. Z.M. is eligible for California Children's Services (C.C.S.) and Medi-Cal. C.C.S. provides medically necessary care and case management to children with physically disabling conditions who meet program eligibility requirements. C.C.S.

program provides case management services for Medi-Cal eligible beneficiaries with C.C.S.-eligible conditions. As part of their case management responsibilities, the CMS Regional Offices and Independent County C.C.S. programs authorize rental or purchase of medically necessary durable medical equipment for C.C.S.

Calls and requests were made to C.C.S. to have Z.M. assessed for AT needs such as a hospital bed, a Hoyer lift, and a bath chair. C.C.S. lagged and did not follow up on the assessments. It was only after PAI filed for hearing with the Department of Health Care Services that C.C.S. finally went to Z.M.'s home to assess his technology needs. As a result, C.C.S. provided Z.M. with a hospital bed, bath chair, Hoyer lift, stander, stroller tray, and approved an authorization for him to be evaluated for a back brace.

Benefits Goals and Objectives: Goal 2, Objectives A & B

PAI Staff: Aleyda Toruno, Michelle Porche

Grant/Funding Source(s): PAAT

PAI Advises Parent of County's Obligation to Follow Senate Bill (SB) 87 Procedures

PAI was contacted by the parent of E.J., an adult with physical disabilities and mental retardation whose Medi-Cal and In-Home Supportive Services (IHSS)¹ were stopped following the loss of her SSI in December 2007. By January 2008, E.J. was back on SSI and her Medi-Cal and IHSS were reinstated. However, the IHSS program refused to pay mom for services rendered in December. E.J.'s mother requested a fair hearing and sought PAI's assistance.

Prior to the hearing, PAI provided E.J. with information about her rights and the legal basis on which the County should retroactively restore her IHSS and Medi-Cal. Namely, under SB 87, E.J. should not have become ineligible for Medi-Cal (including IHSS) solely because her SSI had stopped. SB 87 requires the County to screen Medi-Cal recipients for eligibility for another Medi-Cal program when they become ineligible for SSI. In December, E.J. worked part-time and would have qualified for the Medi-Cal 250% Working Disabled program. Based on her countable income, E.J. would have also qualified for the Aged & Disabled Federal Poverty Level program. E.J.'s mother provided the County with information about

¹ E.J.'s mother is her IHSS provider.

SB 87. As a result, prior to the hearing, the County agreed to pay the mother for the month in question.

Benefits Goals & Objectives: Goal 3, Objective A

PAI Staff: Maria Iriarte, Hillary Sklar

Grant/Funding Source(s): PADD

PAI, WCLP and BALA Take Legal Action to Enjoin Delayed Determinations on Disability-Based Medi-Cal Applications

Zelaya v. California Department of Health Services, CPF-06-506687.

On October 4, 2006, PAI, along with Western Center on Law and Poverty (WCLP) and Bay Area Legal Aid (BALA), filed a lawsuit in San Francisco against officials of the California Department of Health Services and California Department of Social Services. The case was brought as a writ of mandate challenging the State's failure to comply with State law obligations to make Medi-Cal eligibility determinations (based on disability) within 90 days. The State had a backlog of cases that exceeded 13,000.

Pre and post-filing negotiations resulted in the State's implementation of a plan to reduce the existing backlog, but the parties could not reach agreement on settlement terms addressing how to avoid future backlogs. The case moved forward to hearing in November 2007. Supplemental briefing was ordered, in part on the issue of the State's responsibility to process applications within a certain timeframe (as opposed to the counties' obligation). The judge presiding over the writ proceedings ultimately did not agree with the arguments presented by the plaintiffs regarding the State's obligations, and in a decision filed February 1, 2008, the writ was denied. An appeal is not being pursued.

Benefits Goals & Objectives: Goal 3, Objective A.

PAI Staff: Michelle Uzeta, Suzanna Gee

Co-Counsel: Mike Keys and Steve Weiss (BALA); Kim Lewis, Nu Usaha and Bob Newman (WCLP)

Grant/Funding Source(s): PAIR

DISCRIMINATION

Settlement Reached in Laguna Honda Class Action

Mark Chambers et. al. v. City and County of San Francisco

Case No.: C06-06346 WHA, Federal District Court, Northern District of California, Judge William H. Alsup (filed October 11, 2006).

See previous DOL Reports, Issues 47, 48. *See also*, previous DOL Reports for *Davis v. CHHSA*, Issues 20, 25, 27, 29, 32, 35, 36, 42, 45, 48.

On November 14, 2007, Plaintiffs and Defendant San Francisco in *Chambers et al. v. City and County of San Francisco* notified federal District Court Judge William Alsup that they had reached a settlement agreement. As of April 2008, the Settlement Agreement has been formally approved by the Board of Supervisors of the City and County of San Francisco, the City's Health Commission and the Mayor. The Settlement Agreement now needs Court approval. A fairness hearing is anticipated to be scheduled in the Spring of 2008.

The action was originally filed October 11, 2006 by six residents of Laguna Honda Hospital (LHH) and the Independent Living Resource Center (ILRCSF) in San Francisco alleging discrimination in the form of unnecessary institutionalization under the Americans with Disabilities Act. These residents prefer, and have been determined to be capable of, living in their own homes and in the community. The purpose of the Settlement Agreement is to enhance community-based living options, through the provision of services and housing, to class members.

The class, which consists of Medi-Cal recipients who reside at LHH, are on the waitlist for LHH, are within two years post discharge from LHH or are patients at SFGH and are eligible for discharge to LHH, was certified by the Court in July, 2007.

Summary of Settlement Agreement

The Settlement provides for expanded community-based living options for seniors and people with disabilities in San Francisco. The results will be improved coordination of care and greatly increased housing options and other services.

Included in the agreement are:

- Provisions for community-based services for all named class members;
- Commitment from San Francisco to provide access to independent housing and ensure the availability of non-profit agencies to provide Medi-Cal Nursing Facility A/B (NF A/B) Waiver services to eligible individuals;
- The creation of a Diversion and Community Integration Program, (DCIP) to provide an integrated approach for individuals referred for admission to, and diversion and discharge from, LHH, with the goal of placing those individuals in the most integrated setting that is appropriate to their needs and preferences;
- Provision of/Referral for Case Management and Wrap-Around Services;
- Providing Access to Affordable, Accessible Community Housing, including through development of a LHH Rental Subsidy Program which will subsidize scattered site, accessible, independent housing for approximately 500 class members who are eligible for community-based services;
- Enhancement of Mental Health/Substance Abuse Services;
- Provision for a smaller Laguna Honda Hospital with the goal that the facility is for short-term, rehabilitative treatment;
- Provision of Grievance Procedures for Class Members;
- Provision for Data Collection and Reporting to PAI and co-counsel on a regular basis;
- Quality Assurance provided by Defendant San Francisco;
- Monitoring of Implementation of the Settlement by PAI.

Discrimination Goals & Objectives: Goal 1, Objective A

Benefits Goals & Objectives: Goal 5, Objective A

PAI Staff: Elissa Gershon, Kim Swain, Elizabeth Zirker

Other Counsel: Disability Rights Education and Defense Fund (DREDF), AARP Foundation Litigation, the Bazelon Center for Mental Health Law, and the law firm of Howrey LLP (pro-bono).

California Supreme Court Decides Case Interpreting a Prevailing Party's Right to Attorney's Fees Under CCP 1021.5

In April 2006, PAI joined a number of legal services organizations in serving as amicus curiae in a brief to the California Supreme Court case *Annette F. v. Sharon S.* (Case No. S138169), a case dealing with a prevailing party's right to attorney's fees under California Civil Code section 1021.5.

California Code of Civil Procedure section 1021.5 provides that a court may award attorney's fees to a prevailing party in a case that has "resulted in the enforcement of an important right affecting the public interest" if: (a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons; (b) the necessity and financial burden of private enforcement ... are such as to make the award appropriate; and (c) such fees should not in the interest of justice be paid out of the recovery, if any." At issue in *Annette F. v. Sharon S.* is the interpretation of subsection (b); whether, in a case that otherwise satisfies the requirements of Section 1021.5, a purely nonpecuniary interest can be deemed to outweigh the "financial burden" of the litigation and thus foreclose an award of attorneys fees.

Among the points stressed by amici in their brief were:

- The Court of Appeal decision penalizes Annette F. (and her counsel), for having too great an interest in the outcome of her litigation, despite the fact that the interest was purely nonpecuniary, and notwithstanding her vindication of an important statutory right.
- The Court of Appeal decision is contrary to the California Supreme Court's prior interpretation of Section 1021.5 (*see e.g., Press v. Lucky Stores* (1983) 34 Cal.3d 311), and contrary to a number of Court of Appeal decisions that acknowledge the authorization of attorneys' fees awards under Section 1021.5 in cases in which nonpecuniary interests are at stake.
- The Court of Appeal decision ignores the fundamental purpose of Section 1021.5, which is to encourage public interest litigation by providing an incentive to counsel to take on meritorious actions with the expectation that they will be compensated if they prevail.

- The Court of Appeal decision is arbitrary, inequitable and unworkable. Following the Court of Appeal's approach, in cases such as this, an individual's *standing* to sue would defeat his or her *ability* to sue.

On January 24, 2008, the Supreme Court issued its decision in the case. The Court declined to decide whether the lower court had abused its discretion in determining that the extent and scope of the litigation transcended the Petitioner's personal stake in its outcome, limiting its holding to the question of whether section 1021.5 authorizes an award of attorney fees against an individual who has done nothing to adversely affect the rights of the public or a substantial class of people other than raise an issue in the course of private litigation that could establish legal precedent adverse to a portion of the public. The answer to that question, in the Court's opinion, was no, and the decision denying fees was on that basis upheld.

Discrimination Goals and Objectives: Goal 2, Objective A

PAI Staff: Michelle Uzeta

Other Counsel/Amici: Co-amici include: ACLU, Bay Area Lawyers for Individual Freedom, Legal Services for Children, The Youth Law Center, and Western Center for Law and Poverty

Grant/Funding Source: PAIR

PAI Assists Client Denied Service in a Local Dance Club Assert his Rights in Court.

O.T. contacted PAI after being denied service by bartenders at a large Los Angeles nightclub on Valentines Day 2007. O.T., who uses a wheelchair and has impaired speech, had visited the establishment with his personal care attendant. O.T. attempted to purchase a drink through his attendant and was denied service by two bartenders in the dance area of the nightclub. A waitress confided in O.T. that the bartenders had instructed her not to serve him.

O.T. was not intoxicated, and was well above the legal age limit to purchase and consume alcohol. He knew he was being denied service because of his disability. This fact both humiliated and angered him. He knew he had the same rights as patrons without disabilities to enjoy all the services and accommodations of the nightclub. Not to be discouraged, O.T. traveled to another part of the nightclub, was eventually served a drink by another bartender, and made the best of the night.

PAI assisted O.T. in writing a demand letter to the nightclub owners demanding that they (1) conduct disability sensitivity training for their staff, and (2) pay him \$4,000 in damages for violating his rights under the Unruh Civil Rights Act (Cal. Civ. Code section 54.1). The nightclub ignored the letter.

PAI then assisted O.T. in filing a complaint against the nightclub in small claims court. Together, PAI and O.T. researched the proper parties to name as defendants, and who to serve in the case. PAI assisted O.T. in completing all the forms necessary to move forward with his claim. PAI also assisted O.T. in asking that he be allowed to present his case in writing to the court as an accommodation for his speech impairment. Finally, PAI helped O.T. craft his position statement, outlining the facts of his case and legal claims.

Months passed, and O.T. finally had his day in court. Although he lost on his discrimination claim – on the basis that he was eventually able to obtain service in another part of the nightclub - the presiding judge was outraged at the manner in which O.T. was treated, and strongly advised the owner of the nightclub to “train his staff.”

O.T. was pleased with the outcome of his case. Although he did not “win” in the traditional sense, he took steps to enforce his rights, combat discrimination and educate.

Discrimination Goals & Objectives: Goal 3, Objective A

PAI Staff: Michelle Uzeta, Sage Reeves

Grant/Funding Source(s): PADD

Four Witnesses Come Forward in a Case Challenging San Diego County’s Discriminatory Childcare Policy

Carter et al. v. Allenby et al, San Diego Superior Court No. GIC 879152

See Previous DOL Reports from Fall 2007 and Spring 2008

Plaintiff Supportive Parents Information Network (SPIN) has identified four witnesses who are willing to come forward and provide evidence in this writ of mandate (Writ) action challenging San Diego’s discriminatory childcare policy. The policy defines use of subsidized childcare by Cal WORKS recipients during any absences from welfare-to-work activities as a crime and allows no exceptions

where the absences are necessitated due to the disability of a parent or child. The four witnesses have been harmed by the County's policy, either because they complied with the policy and refrained from going to necessary medical appointments, or because they put themselves at risk of prosecution by attending disability-related medical appointments or taking care of family emergencies while utilizing childcare.

In settlement of the parties' discovery dispute, plaintiff released the names of the four witnesses to defendants. Defendants in turn, dismissed their pending motion to compel the names of all SPIN members who had consulted with SPIN's director and attorney. Defendants will be taking the depositions of these witnesses in June, 2008. The Writ is set to be heard on October 17, 2008.

Discrimination Goals & Objectives: Goal 3, Objective A

PAI Staff: Ann Menasche

Grant/Funding Source: PAIMI

PAI's Work with Disability Advocates and SEIU Local 1877 Results in Improvements for Air Travelers with Disabilities

See, Previous DOL Report, Fall 2007, ISSUE 49.

In June 2007, PAI joined a number of disability rights organizations in supporting a Department of Transportation complaint filed by two Aero Port Services (APS) employees with the assistance of the Service Employees International Union, Local 1877.

The complaint is based on the failure of APS to provide its employees with training in the provision of air travel to individuals with disabilities, including the proper and safe operation of wheelchairs. Such training is required under federal law. The complaint also alleges that APS has failed to provide employees with equipment enabling the safe transporting of individuals with disabilities. Although the complaint is still pending, it has already resulted in the replacement of dozens of broken and shoddy wheelchairs.

Additionally, after the complaint was filed, Union representatives and disability advocates from PAI, the City of Los Angeles' Department on Disability and a local Independent Living Center met with counsel for the airport to discuss improving training standards for airport staff. In April of this year, based on the input

received, the Board of Airport Commissioners passed a policy aimed, in part, at improving training standards for the private companies that hire service workers at LAX.

Discrimination Goals & Objectives: Goal 3, Objective A

PAI Staff: Michelle Uzeta

Grant/Funding Source(s): PAIR

PAI Joins Other Disability Rights Advocates in Calling Upon the Department of Transportation to Enforce Requirements Regulating Provision of Air Travel to People with Disabilities

PAI joined disability rights organizations in supporting a Department of Transportation (DOT) complaint filed by employees of Prospect International Airport Services (Prospect) with the assistance of the Service Employees International Union, Local 1877. Prospect is a company contracted to provide passenger services to travelers who use wheelchairs by a coalition of airlines at the International Terminal (“IT airlines”) of the San Francisco International Airport (“SFO”).

The complaint is based on Prospect’s failure to provide adequate equipment and training for their employees as required under the Air Carrier Access Act. The lack of adequate training and use of improperly maintained equipment create a high risk of direct harm to both passengers with disabilities and the workers who assist them. The complaint asks the DOT to:

1. Require IT airlines and Prospect to work with the organizations that represent the disability rights community to develop a training curriculum that would meet the needs of that community;
2. Recommend that IT airlines and Prospect, in addition to getting disability sensitivity training, hire its own designated “Disability Liaison,” preferably an individual with a disability who can be an on-staff expert with the proper training and who can provide ongoing training to employees;
3. Require that assistive technology be available upon request for use in safely assisting people without necessarily touching them;
4. Require that IT airlines and Prospect provide all necessary and appropriate trainings as relevant to all its employees, including all who,

- at any given point, may be asked to provide assistance to individuals with disabilities; and
5. Impose appropriate penalties on IT airlines and Prospect, in accordance with 14 CFR 383.2, for violations of the law.

Although the complaint is still pending, in response to the advocacy efforts of workers and disability rights advocates, the Airport Authority at SFO Airport passed a one-wheelchair one-attendant rule. Subsequently, SFO terminal workers reached a contract agreement with their company that contains comprehensive language to ensure that workers are able to properly serve passengers with disabilities.

Discrimination Goals & Objectives: Goal 3, Objective A

PAI Staff: Michelle Uzeta

Grant/Funding Source(s): PAIR

Other Organizations Offering Support:

- . American Association of People with Disabilities (AAPD)
- . California Alliance for Retired Americans (CARA)
- . Communities Actively Living Independent and Free (CALIF)
- . Community Resources for Independence – Santa Rosa
- . Disability Rights Education and Defense Fund (DREDF)

PAI Reaches Agreement With a Housing Provider to Modify Units to be Accessible to People With Mobility Disabilities

See DOL Reports from Fall 2004, Spring 2005, Summer 2005 and Spring 2008.

In 2004, PAI received a complaint from a resident at an apartment complex in Oakland, which receives federal funds under the McKinney Homeless Services Act and the Project-Based Section 8 program, about the accessibility of the unit, which was designated as being accessible for people with mobility disabilities.²

Following a meeting with the Property Supervisor, PAI wrote a letter explaining that the apartment complex, as a recipient of federal financial assistance, was required to have five percent of the units accessible to people with mobility

² The resident had other issues as well, which were resolved.

disabilities and two percent accessible for people with vision and hearing disabilities. At this point, only three of the 92 units were designated as accessible for people with mobility disabilities, while four units were required to be accessible to meet the five percent requirement.

In response to PAI's letter, the housing provider agreed to make one more unit accessible for people with mobility disabilities and another unit accessible to people with vision and hearing disabilities. In addition, the housing provider agreed to have an architect review all of the accessible units to make sure that they comply with the Uniform Federal Accessibility Standards (UFAS).

Eventually, the housing provider contacted a disability access specialist. In a report (with pictures) dated March 6, 2006, he found that the "accessible units" at the apartment complex did not comply with UFAS.

In November of 2006, the housing provider agreed to make the modifications that the disability access specialist recommended in order to make five percent of the units in the apartment complex compliant with UFAS. The housing complex did not contact PAI regarding the modifications.

On July 10, 2007, PAI called the housing provider and spoke with the current apartment manager. The manager indicated that the housing provider had no intentions of fulfilling its agreement and making the apartment complex UFAS compliant because they did not feel that they were required to comply with Section 504 of the Rehabilitation Act.

On January 9, 2008, PAI filed a complaint on behalf of itself and the local fair housing agency, with the Office of Fair Housing and Equal Opportunity of HUD. Soon after the complaint was filed, the housing provider agreed to make all the modifications recommended by the expert within 90 days and submit a compliance report to PAI within 180 days.

Discrimination Goals & Objectives: Goal 2, Objectives A & B

PAI Staff: Fred Nisen

Grant/Funding Source: PAIR

PAI Serves as Amicus in Landmark Case Interpreting the Statute of Limitations for Fair Housing Act Claims Regarding New Construction.

On December 3, 2007, PAI filed a letter seeking the Ninth District Court of Appeal's permission to join in the arguments made by *amicus curiae* Silver State Fair Housing Council et al. in a brief filed in support of Appellants' petition for panel rehearing and for rehearing en banc in *Garcia v. Dennis Brockway, et al.* Consolidated Case Nos. 05-35647 and 06-15042; United States Court of Appeals for the Ninth Circuit. The petition for en banc review was granted, and PAI then joined a number of disability rights organizations and fair housing advocates in developing an *amicus curiae* brief for the hearing en banc. That brief was filed in January 2008.

At issue in *Garcia* is the question of when the statute of limitations begins to run in a design-and-construction claim under the Fair Housing Act (FHA). The text of the Act itself is susceptible to at least three reasonable interpretations:

- The “discriminatory act” is the affirmative act of not constructing the covered housing in an accessible manner – whereby the statute of limitations would begin to run once construction was complete;
- The denial of accessible housing to an individual with disabilities is the discriminatory act – whereby the statute of limitations begins when the person with the disability actually encounters the discriminatory/inaccessible conditions, irrespective of when construction was completed; or
- The ongoing failure to make the covered housing accessible is a discriminatory act - whereby the statute of limitations would begin to run when a potential defendant either ceases to have control over accessibility of the housing or brings the housing into compliance with the law.

The majority of the panel adopted the most restrictive of these interpretations (i.e. that the statute of limitations runs from the date of construction completion). Rehearing was requested because the majority's interpretation will weaken enforcement of the FHA. For a variety of reasons, most people with disabilities experiencing architectural barriers in housing built after the accessibility requirements of the FHA became effective will do so after construction is complete and 2 years have already passed.

In an *en banc* rehearing decision, filed May 13, 2008 (503 F.3d 1092 (9th Cir. 2007)), the Ninth Circuit adopted the opinion of the original panel with minor modifications. The court concluded that the statute of limitations for a design-and-construction claim under the FHA is triggered at the conclusion of the design-and-construction phase, which occurs on the date the last certificate of occupancy is issued. In so ruling, the court rejected the plaintiff's argument that a design-and-construction violation is a continuing one that does not terminate until the building defects are cured.

Discrimination Goals and Objectives: Goal 2, Objective A

PAI Staff: Michelle Uzeta, Fred Nisen, Stuart Seaborn

Other Counsel/Amici: Silver State Fair Housing Council, Inc., Nevada Disability Advocacy and Law Center, Disability Rights Education and Defense Fund, Inc., Disability Rights Advocates, National Disability Rights Network, the Impact Fund, and Law Professors Robert G. Schwemm, Michael P. Seng, and Michael Evans.

Grant/Funding Source: PAIR

PAI Offers Comment to the Housing Authority of the City of Los Angeles' Draft Reasonable Accommodation Policy

PAI took the opportunity to provide comment on the draft Reasonable Accommodation Policy of the Housing Authority of City of Los Angeles (HACLA). HACLA periodically reviews its policies and procedures to ensure that participants and residents in its programs and facilities have equal access to its benefits, services and facilities.

In its comments, PAI noted HACLA's policies to be inconsistent with state and federal authorities. Specifically, HACLA had misstated its accessibility obligations as they relate to the alteration of existing facilities and was utilizing incorrect and overly restrictive standards for processing requests for reasonable accommodations generally.

Discrimination Goals & Objectives: Goal 2, Objective B

PAI Staff: Michelle Uzeta

Grant/Funding Source(s): PAIR

PAI Participates in Planning for Conference to Address Foreclosure Crisis

PAI is working with the Affordable Housing Coalition of San Diego County (Coalition) and other groups such as ACORN to plan a forum and conference on the mortgage foreclosure crisis and its impact on affordable housing. The forum/conference is expected to be scheduled for sometime in June 2008.

The foreclosure crisis has had a negative impact not just on homeowners who obtained risky mortgages and now are losing their homes through foreclosure, but also on tenants, including tenants with disabilities. According to the *Los Angeles Times*, at least 20% of residents of foreclosed properties are tenants, many of whom are being subjected to unscrupulous tactics by lenders eager to get rid of them, forcing such tenants onto the streets. In addition, increasing numbers of foreclosures are turning owners into tenants, placing an upward pressure on rents.

The Coalition has been in the forefront of local organizing efforts on behalf of low-income renters including opposing residential hotel and condominium conversions and fighting for inclusionary housing. The Coalition is hoping to expand the ranks of affordable housing activists to address this crisis while keeping the needs of the most vulnerable residents at the center of their work.

Discrimination Goals & Objectives: Goal 2, Objective B

PAI Staff: Ann Menasche

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

PAI Participates on Fair Housing Panel

On April 4, 2008, PAI participated on a panel at Project Sentinel's fair housing conference, held at the Community School for Music & Art in Mountain View. The panel was entitled "Reasonable Accommodations for People with Mental Disabilities." Other participants were The Housing Rights Center LA, and The Mental Health Advocacy Project in San Jose.

Approximately 50 tenants, landlords, advocates, and service providers engaged in a lively discussion with the panelists on issues including emotional support animals and other forms of reasonable accommodations, and discrimination against tenants with psychiatric disabilities and the "direct threat" defense.

Discrimination Goals & Objectives: Goal 5, Objective C

PAI Staff: Pamela Cohen

Grant(s)/Funding Sources: PAIMI

PAI Assisted in Protecting the Right of an Individual With a Psychiatric Disability to Live With His Parents in Their Seniors-Only Mobile Home Park

See Previous DOL Report Fall 2007, Issue 49

Last year, PAI was contacted by R.P. who needed to live with his parents in their mobile home located in a seniors-only mobile home park because of his psychiatric disability, because the mobile home park said that he had to move because he was not a senior. At that time, PAI advised R.P. and his parents of his legal right to live with his parents because he needs them for care, support and supervision. PAI wrote a letter to the attorney for the mobile home park setting forth the client's rights, and assisted the client in obtaining a physician's letter supporting his need to reside with his parents in their home.

The client was under the impression that the issue had been resolved, until the park's homeowner's association and attorney approached him again months later with harassing threats to make him leave the park unless he provided to them an annual confirmation of his disability and a copy of his written psychiatric treatment plan.

PAI wrote additional letters on the client's behalf, secured another physician's letter, and represented the client at an informal hearing before the homeowner's association's board of directors. The client refused to provide a copy of his treatment plan, and the homeowner's association has not followed through on its threat. The harassment appears to have stopped.

Discrimination Goals & Objectives: Goal 2, Objective A

PAI Staff: Pamela Cohen

Grant(s)/Funding Sources: PAIMI

PAI Provides Advice on Requesting a Reasonable Accommodation to Employment Schedule

PAI was contacted by B.D. seeking advice on modifying her employment schedule from full-time to part-time due to ongoing conditions from her mental health disability after a recent car accident.

PAI advised the client to work with her doctor to draft an accommodation letter discussing the connection between the need to switch from full-time to part-time work and her disability. The client submitted the doctor's note to her supervisor. Her employer granted a temporary accommodation of part-time employment for a few months.

Discrimination Goals & Objectives: Goal 3, Objective A

PAI Staff: Sean Rashkis

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

PAI Assists Educator in Obtaining Employment Accommodations

H.S. is a high school special education teacher with polio-related impairments. Last summer, H.S. was prescribed a wheelchair by her primary physician; the chair has been recommended for her use at work as well as home. H.S.'s office at the high school is in a building that is not wheelchair accessible, so she asked her Principal to move her to an accessible office in another building on campus.

Despite completing all the paperwork necessary to process H.S.'s request, the school did not provide her the accommodation. As a result, H.S. has not been able to use her wheelchair at work and for the last 10 months struggles daily navigating the stairs, causing her to suffer unnecessary physical pain.

PAI wrote a letter to the Principal of the high school where H.S. is employed, demanding that she be immediately provided with her accommodation pursuant to both the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.) and State law (Cal. Gov't Code §§ 12900 et seq.). Some negotiation followed, and resulted in H.S. receiving an accessible office and modified bathroom. H.S. is pleased with this result, and looking forward to being able to use her wheelchair at work.

Workgroup: Discrimination, Goal 3, Objective A

PAI Staff: Michelle Uzeta

Grant/Funding Source(s): PAIR

PAI Sponsored a Voting Hotline for February Presidential Primary Election

For the February 5th Presidential Primary, PAI continued its tradition of sponsoring an Election Day toll-free hotline for Californians with disabilities to assure full and

equal access to the voting process. PAI used funding from the Help America Vote Act (HAVA) to assist voters with disabilities who had difficulty accessing polling places, casting ballots or had general questions about the voting process. PAI's hotline is equipped to receive voice, TDD, and Video Relay calls and is also equipped to handle calls from individuals who speak languages other than English.

In addition to assisting voters in this election, PAI uses the information collected from callers to document discrimination and access problems at polling places throughout California. Californians with disabilities are invited to contact PAI throughout the year with their questions about voting rights and access issues

One issue that PAI is working on as a result of calls to the hotline is polling places in Los Angeles County that are designated as accessible but were not accessible for a number of voters.

Discrimination (Voting Team) Goals & Objectives: Goal 4, Objective B
PAI Staff: Hillary Sklar, Margaret Jakobson, Stuart Seaborn, Fred Nisen, Griselda Delgadillo, Bill Hershon, Kim Swain, Crystal Padilla, Lauren Giardina, Sean Rashkis, Lori Shepard, Pang Moua, Maria Iriarte, Leyla Cantarero, Suzi Bernais, Michelle Uzeta, Mary Rios, Yuen Chiang, Regina Kendricks
Grant/Funding Source(s): PAVA

PAI Collaborates with Election Protection and Provides Disability Rights Technical Assistance For Their Statewide Election Hotline

On February 5th, the Presidential Primary Election in California, Election Protection, the nation's largest nonpartisan voter protection coalition, sponsored a Super Tuesday hotline for all California voters. Election Protection's goal is to foster a national movement committed to ensuring that all voters have an equal opportunity to cast a meaningful ballot.

As part of a pilot project, PAI collaborated with Election Protection on their February hotline. On Election Day, PAI staff from the Los Angeles Regional Office answered disability related questions from Election Protection staff as well as from hotline callers. Election Protection's hotline was available for English and Spanish speaking callers. PAI plans to collaborate with Election Protection once again for the November 2008 General Election and serve as Election Protection's disability expert in California.

Discrimination (Voting Team) Goals & Objectives: Goal 4, Objective B

PAI Staff: Hillary Sklar, Margaret Jakobson, Kevin Bayley
Grant/Funding Source(s): PAVA

PAI Testifies At Joint Legislative Hearing

PAI testified at a joint informational hearing on problems faced by voters during the 2008 Presidential Primary Election. The hearing was called by Assembly member Curren Price, chair of the Assembly Elections and Redistricting Committees; Senator Ron Calderon, chair of the Senate Elections, Reapportionment and Constitutional Amendments Committee; and Senator Jenny Oropeza, chair of the Senate Select Committee on the Integrity of Elections. It was also attended by California Secretary of State Debra Bowen and Senator Mark Ridley-Thomas, a member of the Senate Select Committee on the Integrity of Elections.

PAI staff testified on issues reported to the agency by people with disabilities in voting, including inaccessible polling locations, inoperative voting machines for people with some types of disabilities and the lack of response by county election officials regarding these complaints. PAI staff also passed along some recommendations to the panel as to how voting can be made more accessible.

Discrimination (Voting Team) Goals & Objectives: Goal 4, Objective B
PAI Staff: Kevin Bayley
Grant/Funding Source(s): PAVA

PAI Provides Voting Training to Ombudspeople in Alameda County

PAI provided a voting training at the April in-service of the ombudspeople in Alameda County. Topics covered included getting people in institutions registered to vote, vote by mail, polling places in institutions, facility staff assisting residents to vote, and emergency ballots. Attendees were informed of PAI's Election Hotline for the June and November elections. PAI is scheduled to do another voting training to them in September to prepare for the November election.

Discrimination (Voting Team) Goals & Objectives: Goal 4, Objective B
PAI Staff: Fred Nisen
Grant/Funding Source(s): PAVA

PAI Provides Comments on Secretary of State Polling Place Accessibility Proposal for Department of Rehabilitation

The Secretary of State was considering undertaking a project using the services of the state Department of Rehabilitation to do a comprehensive review of state guidelines on polling place accessibility, including the survey instrument used to determine accessibility and mitigation needs, and to provide county officials with training. PAI was asked to review the scope of work that would be used to contract with the Department of Rehabilitation for this purpose.

PAI provided comments about the Secretary of State's proposal. PAI thought the scope of the project made sense and made the following suggestions:

- That in addition to a checklist for use when selecting a polling location, there be a checklist for use on Election Day by poll workers which could help poll workers set up the site on Election Day. Such a checklist will allow poll workers to catch things, like unlocking the accessible entrance and putting up proper signage that might be missed without such a checklist.
- That the proposal include developing and making accessibility incident reports available for people with disabilities to complete if there are access problems and reviewing these reports prior to the next training or before using the polling site again. This will help correct problems at the site if it is used again and provide guidance when training poll workers because counties will know what the issues are at a particular site and where further training of poll workers is necessary.
- That the proposal includes a requirement to identify and incorporate, as appropriate, checklists already developed by others, including those developed and already in use by counties.
- That stakeholder input, including stakeholders with an array of disabilities, be obtained when developing training materials and that stakeholders with disabilities be used as trainers in the eleven statewide classes

Discrimination (Voting Team) Goals & Objectives: Goal 4, Objective B

PAI Staff: Margaret Johnson

Grant/Funding Source(s): Trust Fund

PAI Creates Publication to Help Ensure Voters Living in Institutions Can Vote in the Jurisdiction of Their Domicile

As PAI continues its efforts to provide voting rights information to persons living in institutional settings in California, one of the issues that our advocates have encountered involves concerns from persons who have been placed in institutional settings away from the places that they consider to be “home.” Many of these individuals would like to vote in the jurisdictions where they formerly resided, since they are only in their current jurisdictions as the result of a decision by someone else – such as the court or a conservator.

To address these concerns, PAI researched an individual’s domicile rights – effectively, the location where an individual can register to vote – under California law. Under California’s Election’s Code, voters have the right to have their domicile be either a location where they currently are and intend to remain or, if they are absent from the place that they have lived, they can choose that place as their domicile if they have the intention of returning. *See* Elections Code, Section 349. Voters do not lose or gain domicile by reason of their absence from or presence in a place due to placement in an institution. *See* Elections Code, Section 2025. Therefore, voters with disabilities living in institutional settings have the option of voting in their home jurisdiction if they have the intention of returning home upon their release.

PAI is in the process of creating a publication to be used in our outreach efforts to residents of institutional living settings to ensure that those individuals not only have access to voting, but that they also have access to voting in the place that they intend to live once they move into the community. The publication will also be available on PAI’s website.

Discrimination Goals & Objectives: Goal 4, Objective B

PAI Staff: Stuart Seaborn

Grant/Funding Source(s): PAVA

PAI Reaches Out to Native American Voters with Disabilities

As a part of the National Disability Rights Network’s Native Vote Campaign, PAI has embarked on an outreach and training project targeting voters with disabilities in Native American Communities in California. The project attempts to provide voting rights information for Native Americans with disabilities in a culturally competent manner.

As a first step, PAI's Native American Affairs Advocate, Phyllis Preston, provided a "Train the Trainers" session for PAI staff. The session offered strategies and practical advice for advocates and attorneys preparing to provide voting rights training to Native American voters with disabilities throughout the State. It also included historical information about the role of Native Americans in state and federal governments as well as a primer on the interplay between tribal law and federal and state laws. The members of PAI's voting rights team who participated in the "Train the Trainers" session are now working with Phyllis to schedule a series of voting rights presentations to a variety of Native American disability groups throughout California.

Discrimination Goals & Objectives: Goal 4, Objective B

PAI Staff: Phyllis Preston, Stuart Seaborn, Margaret Jakobson-Johnson, Fred Nisen, Garnet Magnus

Other Counsel: NDRN

Grant/Funding Source(s): PAVA

LPIU and DDPSAU Provide Input on Accessibility of the Auto Mark Voting System

On February 19, 2008 LPIU, the PAVA work team, and DDPSAU staff provided input to the Secretary of State Elections Division regarding the beneficial accessibility features and certain accessibility drawbacks of the Auto Mark voting system. Input on the Auto Mark system included the following:

That the Auto Mark system is reasonably easy to use and that various accessibility features can be useful to people with some types of disabilities. Accessibility advantages of the Auto Mark included:

- The "hybrid" nature of this system that provides the touch screen interface of a DRE system, which addresses some accessibility issues, with a "pure" paper-based optical scan system.
- The touch screen interface that can be used separately or in conjunction with the audio interface, which itself can be speed and playback-controlled by the voter.
- A choice between several different methods to operate the system and make ballot choices including foot pedal control, Braille keypad, and puff and sip.
- The ability to change the font size and contrast on the touch screen display as well as the angle of the screen.

Areas of concern regarding accessibility of the Auto Mark System included making it more accessible to persons with physical/mobility and dexterity/grip strength/touch disabilities. For example, manipulating and inserting the ballot into the voting system (as well as into the separate tabulation system) can be difficult for persons with manual dexterity and/or grip strength disabilities. In addition, the touch “force” required to use the touch screen interface is excessive and can be a problem for persons with manual dexterity and/or grip strength disabilities. Lastly, the touch pad is attached to the voting system and cannot be moved into a person’s lap if they have reach or dexterity disabilities.

Privacy was also identified as an area of concern with the Auto Mark system such as when a person is sitting in front of the system and anyone passing behind the person has full view of the screen, or when a person needs to vote curbside.

Opportunities such as this, to provide input to the quality of accessibility of various accessible voting systems, serve as an important safe guard to the ability of Californians with disabilities to exercise their rights to an inclusive, independent and private voting experience.

Discrimination Goals & Objectives: Goal 4, Objective B

DDPSA Goals & Objectives: Goal 2, Objective 1

PAI Staff: Margaret Jakobson-Johnson and Marinda Reed

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

Submitters: Margaret Jakobson-Johnson and Marinda Reed

PAI Hosts Voter Empowerment Workshop at the Respectability Conference

PAI staff, in collaboration with the Independent Living Centers of Grass Valley and San Francisco as well as the California Council for the Blind, hosted a workshop at the statewide Respectability Conference in Los Angeles about voter empowerment. Topics included: Voting & the Power of the Disability Vote, a legislative update about bills affecting voters with disabilities, voting rights, and “Get Out the Vote” campaigns and how to start one in your community. Conference attendees also received voter registration materials.

Discrimination (Voting Team) Goals & Objectives: Goal 5, Objective B

PAI Staff: Hillary Sklar

Grant/Funding Source(s): PAVA

EDUCATION

Client Avoids Expulsion from Azusa Unified School District

A.W. v. School District

A.W. is a 15 year old who attended High School and received special education services as a student with Specific Learning Disabilities. On November 28, 2007, she was suspended for allegedly pushing a teacher's aide during the course of fighting with another student. On December 4, 2007, following her suspension, the School District (District) held a manifestation determination review (MDR) meeting to discuss a recommendation of expulsion. The District determined that the incident was not a manifestation of her disability and therefore recommended expulsion. The expulsion hearing was scheduled for January 30, 2008.

Under IDEA, a student should not be recommended for expulsion when the behavior for which expulsion is being recommended is a manifestation of his or her disability. In this case, the District had previously implemented a behavior support plan to address a behavior of fighting that impeded her learning. However, this plan was no longer in place as of her most recent IEP. A.W. wanted to avoid expulsion and either continue receiving home teaching (which she was receiving as an interim placement) or attend another high school within the district.

On January 25, 2008, PAI filed for expedited due process seeking a finding that the District's MDR decision was inappropriate and that it failed to comply with IDEA. On February 4, 2008, A.W., her mother, and PAI met with the District for an informal resolution session. Subsequently, on February 7, 2008, a settlement and release agreement was executed whereby the District agreed to conduct an early triennial assessment of A.W. in all areas (including behavior), and A.W. would continue to receive home teaching or be allowed to attend another High School. All disciplinary issues concerning the November 28, 2007 incident were resolved and the due process case was dismissed.

A.W. chose to continue home teaching for the rest of the semester with the option of attending another High School in the fall or possibly returning to High School.

Education Goals & Objectives: Goal 2, Objective A

PAI Staff: Connie Huang, Keith Sakimura

Grant/Funding Source(s): Equal Access

J.W. Receives Necessary Behavioral Services from. LAUSD

J.W. v. Unified School District

J.W. is a 13-year-old student with severe behavioral issues who received Special Education Services under the eligibility category of Emotional Disturbance (ED). He has a long and documented history of poor social skills and other social, emotional and behavioral issues. Despite this history, the School District (District) exited him from Special Education in 2002 to assess him. J.W. continued to have significant school discipline issues and recurring behavior problems at school.

The District violated both federal and state laws, in particular IDEA and the California Education Code. It failed to provide J.W. with a Free Appropriate Public Education (FAPE), by failing to meet its Child Find responsibility (under IDEA) to seek out children in need of special education services and assess them for eligibility. It placed J.W. in an Interim Alternative Educational Placement for behavior that did not meet any of the 3 criteria necessary to justify this type of placement, and failed to develop a Behavior Intervention Plan. It also excluded J.W. from school without written notice in violation of the California Education Code.

J.W. sought placement at a public school with appropriate behavioral services, a Functional Analysis Assessment (FAA) and Behavior Intervention Plan (BIP), a comprehensive psychological assessment, and counseling.

On August 21, 2007, PAI filed a complaint for due process. On November 7, 2007, J.W. (through PAI) and the District reached an interim settlement agreement which included attending an SDC at Other Middle School as his interim placement and receiving weekly mental health counseling at school. An FAA was conducted by an Independent Assessor and on February 20, 2008, an IEP was held during which District offered Non-Public School as placement. J.W. began attending Non-Public School at the end of February 2008.

On March 18, 2008, the District and J.W. (through PAI) agreed to a final settlement whereby an Independent Assessor would develop a BIP, a speech and language assessment would be conducted, J.W. would receive 60 hours of individual/family counseling with Independent Assessor, and the due process case would be dismissed. The District also agreed to pay attorneys' fees.

J.W. currently attends Non-Public School and is receiving regular counseling. He is scheduled to begin his individual therapy with a doctor soon.

Education Goals & Objectives: Goal 1, Objective A

PAI Staff: Connie Huang, Kimberley Baker, and Keith Sakimura

Grant/Funding Source: EA (CYAI)

San Diego Area School District Retracts Expulsion Against Student due to Inappropriate Behavior Supports

A.M. v. School District

A.M.'s parent contacted PAI because A.M., who was eligible for special education under the category of Specific Learning Disability (SLD)³, was being expelled for his participation in a fight. Notably, the fight occurred after school at an apartment complex off campus, and A.M.'s only involvement in the fight was as an observer, although he was alleged to have struck one of the participants after the fight was over. This was A.M.'s third fight during the 2007/2008 school year.

A.M. has an SLD in math, but had no academic goals. Although his IEP noted that his SLD originated from a visual processing disorder, he had never been referred for a visual processing assessment or an Occupational Therapy assessment, and did not have any goals or services to address the disorder. In addition, A.M. had engaged in fighting before but he was never referred for an FAA or BIP. A.M. did have a behavior support plan that put all of the responsibility on him to seek out assistance if he felt that he was going to have a fight. IEP team members had noted that he did not have the social skills to avoid a fight. Despite this, A.M. was not offered any behavioral, social, emotional, or counseling goals and services.

PAI filed a complaint for a due process⁴ hearing on April 17, 2008 alleging:

³ In addition to an SLD diagnosis, A.M. was diagnosed with Attention Deficit Hyperactivity Disorder.

⁴ The legal issues arose under the Individuals with Disabilities in Education Act ("IDEA") and the California Education Code.

1. Failure to appropriately assess the student's behavior functioning and visual processing ability in both the 2006/2007 and 2007/2008 school years.
2. Failure to provide appropriate related services by failing to offer behavior supports and services and vision therapy in both the 2006/2007 and 2007/2008 school years.
3. Failure to provide appropriate goals and objectives during the 2007/2008 school year.
4. Failure to provide any behavior supports during the 2007/2008 school year.
5. That the pending expulsion was illegal because it violated the California Education Code since it occurred after school and off campus, that the school failed to implement the behavior support plan because the BSP specifically stated that A.M. was to seek out school personnel if he felt that he would be involved in a fight, and since this fight occurred off campus, there was no school personnel for him to seek.

On April 28, 2008, PAI attended mediation where the matter settled. The school agreed to provide A.M with one hour per week of on-site counseling, an Independent Educational Evaluation (IEE) for vision processing, placement at a comprehensive high school, an updated behavior support plan, and will implement an FAA in the beginning of his new school year. A.M. will be reassessed to determine what sorts of goals and objectives should be set for him. The School District also dropped the pending expulsion.

Education Goals & Objectives: Goal 2, Objective A

PAI Staff: Lauren Giardina

Grant/Funding Source: Equal Access, Southern California Children and Young Adult Initiative

LANTERMAN

Trial Scheduled; Case Continues to be Litigated

Capitol People First et al. v. Department of Developmental Services et al. v. CASH/PCR

Case No. 2002-038715, Alameda County Superior Court, Judge Robert B. Freedman, filed January 2002)

See previous DOL report, Winter 2008. Also see DOL Report, Spring 2002 for a summary of the case.

Capitol People First was filed as a class action seeking community living arrangements for more than 7,000 Californians with developmental disabilities who are residents of the developmental centers or other large congregate facilities and people at risk of placement in such facilities.

In January 2008, the California Supreme Court denied the state defendants' and interveners' petitions for review of a Court of Appeal decision that was favorable to plaintiffs. This Supreme Court decision is a victory for plaintiffs; it means that the Supreme Court was not convinced that it needed to hear an appeal of the Court of Appeal's decision.

In September 2007, in a resounding victory for plaintiffs, the California Court of Appeal for the First Appellate District had ordered the trial court to grant class certification. The case will now proceed as a class action on behalf of thousands of individuals who receive services from regional centers and are either living in state or private institutions, or are at risk of institutionalization. The ruling means that even people with significant disabilities have meaningful access to the courts to vindicate their rights to live as a part of, rather than apart from, the community.

Discovery in the case, which has been stayed while the class certification appeal was pending, will now proceed. If the parties do not reach a settlement, the case is expected to go to trial in approximately March 2009.

Background on the case, including legal documents and press coverage 2002-2006, can be read at www.pai-ca.org/advocacy/cpfvdds/index.htm

Lanterman Goals & Objectives: Goal 1, Objective 1

Counsel for PAI: Barbara Dickey, Sujatha Jagadeesh Branch, Ellen Goldblatt, Maggie Roberts, Dara Schur, Kim Swain, Elissa Gershon, Jonathan Elson

Outside Co-counsel: Chris O'Connor, Bingham McCutchen; Michael Tracy, David Dell, **DLA Piper**

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

PAI Assists 13 year Old Girl to Return Home from Crisis Facility

G. is a 13-year-old Regional Center (RC) client who, due to her disability, had nightly sleep disruption and other behavioral challenges that resulted in her family suffering sleep deprivation and being unable to function appropriately for work and support their other daughter. As a result, G. moved to a crisis facility in Southern California last year where many of her behaviors were ameliorated.

In the fall of 2007 it was determined that it was time to plan for G's return to Northern California. G was a client of RC-1 at the time she was placed in the crisis home. Since then, her family had moved to RC-2's catchment area, complicating the planning for her return.

Although all agreed that G. was ready to return to Northern California, her family was not sure whether a foster home co-parenting arrangement or supports in their home would work better. With PAI's assistance at an IPP meeting, the decision was made to have a trial home visit with supports. At and after a follow-up IPP, RC-2 agreed to take over the planning efforts and to explore creative alternatives for home support (e.g. an au pere model) and foster families at the same time. It is hoped that G. will be back near her family by the end of the summer.

Lanterman Goals & Objectives: Goal 2, Objective A

PAI Staff: Ellen Goldblatt

Grant/Funding Source: EA

Transition Aged Youth in Benicia Want Integrated Employment and Community Participation Opportunities on Leaving School

Benicia Transition Students

The Benicia School District operates a transition program that has students actively engaged in their communities, independently traveling on public transportation, attending community college, employed through "workability" and keeping in touch with their teacher and each other through cell phones. The students, with the active support of their families, want to ensure that they can continue to have active, integrated lives and be employed when they leave school. Unfortunately, the only Regional Center funded day supports in their community are a site-based segregated day program.

PAI and OCRA met with the students, their families, and teacher/community advocates on several occasions. The Executive Director of the local site-based day program joined the meetings as they are interested in expanding to provide the type of supports the students' desire. A plan was developed where the advocacy would proceed on two fronts: a group letter would be sent to the NBRC administration requesting development of a new program in Benicia, and each student would ask for an IPP meeting to delineate their goals and objectives for the post-school future. The IPP meetings will be held in May and June.

Lanterman Goals & Objectives: Goal 1, Objective A

PAI Staff: Ellen Goldblatt, Yuhlalia Hernandez, OCRA

Grant/Funding Source: EA

PAI Advocates to Improve Employment Opportunities for Individuals with Disabilities.

PAI worked with the author and the sponsor of SB 1317, a bill that creates a "career opportunity program" and amends Welfare & Institutions Code § 4851 to exclude career opportunity program from the definition of the "work activity program."

To ensure that SB 1317 promotes employment opportunities for individuals with disabilities, including developmental disabilities, PAI specifically provided amendments and recommendations and testified at the Senate Health and Human Services Committee. PAI advocated for at least minimum wage for individuals in a career opportunity program. PAI also pushed to ensure that at least the majority of people with disabilities who work in a career opportunity program would receive full time status and thus, can access benefits from their employer. Due to PAI's advocacy, the author and the sponsor of SB 1317 agreed to adopt these amendments and recommendations. PAI will continue to work with the author and the sponsor to ensure that a career opportunity program is as integrated as possible and to improve employment opportunities for individuals with disabilities.

Lanterman Goals and Objectives: Goal 1, Objective B

PAI Staff: Ellen Goldblatt/Tho Vinh Banh

Grant/Funding Source(s): PADD

Regional Center Purchases Turny Seating System and Assesses for Waiver Services

(See Benefits section)

PAI Provides Legal and Factual Update on Community Living In California at the CAL-TASH Conference

PAI made a presentation to consumers, families, and professionals at the annual CAL-TASH Conference in February, 2008. The presentation gave an update on the developments in the last year on lawsuits, policy matters and statistics related to community living for persons with developmental disabilities in California. In conjunction with the presentation, PAI distributed an updated version of its Annual Update on Community Living. This 60 page Update was also distributed by e-mail to a wide audience and will be posted on the PAI website

Lanterman Goals & Objectives: Goals 4, Objectives A & B

PAI Staff: Ellen Goldblatt

Grant/Funding Source(s): EA

Outreach and Training to Japanese Speaking Families in Northern and Southern California

Using PAI's videoconferencing technology, PAI was able to reach Japanese-speaking families who gathered in PAI's Oakland and Los Angeles offices to learn about the Lanterman Act/Regional Center Services and the Americans with Disabilities Act. This was a follow-up to a Special Education training done in March, 2008. The Lanterman Act training focused on the IPP process aiming to empower the families to assert their rights. Following the training PAI met with people individually to discuss specific issues. Materials were distributed in Japanese on IPPs, the ADA, and PAI.

Lanterman Goals & Objectives: Goal 4, Objective B

PAI Staff: Ellen Goldblatt, Anna Levine

Grant/Funding Source: EA/PADD

Outreach and Training to Families of Children with Special Needs

On March 1, 2008, PAI and OCRA jointly presented substantive legal training and information at the regular Saturday evening meeting of the Friends of Children with Special Needs, a Chinese family advocacy group that includes families from both the Regional Center of East Bay and Golden Gate Regional Center catchment areas. Information was provided on new initiatives in Lanterman Act/Regional Center services including employment, micro-enterprise, and self-directed services. Following the training, there was a dinner where staff was able to respond to individual questions.

Lanterman Goals & Objectives: Goal 4, Objective B

PAI Staff: Ellen Goldblatt, Marsha Siegel, and Celeste Palmer

Grant/Funding Source: EA/OCRA

California Supported Living Network (CSLN) – Joint Efforts to Promote Supported Living

PAI works on an ongoing basis with the Governmental Affairs coordinators of the CSLN to promote the equitable accessibility of supported living across California. As part of these efforts PAI attended the Network's 2008 Leadership Conference at which staff person Ellen Goldblatt received this year's CSLN Key Person Award and participated on the "SLS Circle of Influence" Panel outlining possible strategies for these difficult budgetary times.

Lanterman Goals & Objectives: Goal 2, Objective B

PAI Staff: Ellen Goldblatt

Grant/Funding Source: EA

Outreach and Training to Families for Early Autism Treatment (FEAT), Solano County Chapter

Outreach and training was provided to Solano FEAT, a support group for parents of children with autism and autism spectrum disorders. The training focused on the IEP process, a general Lanterman Act overview, accessing services, the IPP process, and the disputes/fair hearing process. Parents had many questions about specific issues with North Bay Regional Center. The training's aim was to empower the parents to assert their rights. Following the training PAI met with people individually to discuss specific issues, and distributed information on IPPs.

Lanterman Goals & Objectives: Goal 4, Objective B

PAI Staff: Jonathan Elson, Leilani Pfeifer, Daniel Meadows, Terry Lindsay

Grant/Funding Source: PADD

MENTAL HEALTH

Client Receives Medical Device after PAI Sends Opinion Letter to State Hospital.

W.S., a patient at one of the State Hospitals, had a medical device taken from him when he entered the hospital. W.S. reported that by not having the medical device, his physical ailments worsened.

PAI sent an opinion letter to the Medical Director of the State Hospital requesting that they provide W.S. the medical device because he has a right to medical care and the use of a medical device cannot be restricted. Shortly after the letter was sent, the State Hospital provided W.S. with his medical device. W.S. reports that since the return of his medical device, his physical ailments are not as severe as before.

Mental Health Goals and Objectives: Goal 1, Objective A

PAI Staff: Sean Rashkis

Grant/Funding Source: PAIMI

PAI Advocacy Helps Client to Secure Community Based Mental Health and Supportive Services

L.C., a person with a psychiatric disability, has been living in the community but not receiving a set of supports and services to enable her to live as independently as possible. She came to PAI for help securing supports and services.

PAI called a treatment team meeting with L.C. and her county mental health service provider, which led to the development of a written service plan based on L.C.'s individualized goals and objectives. PAI then negotiated and advocated with both the mental health service provider and county representatives to implement L.C.'s service plan.

In addition to the services L.C. was already receiving, she will now also benefit from case management services, additional housing options and referrals, and a regular exercise program funded by the county. PAI will continue to be involved in L.C.'s case with the goal of helping her to obtain one-to-one rehabilitation services under the Medi-Cal "Rehab" Option, and peer support services under the Mental Health Services Act.

Mental Health Goals and Objectives: Goal 3, Objective A

Benefits Goals and Objectives: Goal 3, Objective A

PAI Staff: Matt Fishler

Grant/Funding Source(s): PAIMI

PAI Files Licensing Complaint Against Alpine Special Treatment Center on Behalf of Mental Health Client.

On February 19, 2008, PAI submitted a complaint to California Department of Mental Health Licensing and Certification on behalf of F.D., a mental health client who was a former resident at Alpine Special Treatment Center (ASTC).

The complaint involves two month-long denials of rights to all visitation from family and friends. The complaint asserts that the denial of rights was fundamentally punitive in nature and continued to be withheld as a privilege to be earned, in violation of Title 9 regulations and provisions of state law. The complaint further asserts that even assuming that there was good cause or the temporary restriction of some visitation, the denial of rights was far more restrictive and continued far longer than necessary. Lastly, the complaint asserts that F.D. was denied good quality culturally competent care (F.D. is a member of an ethnic minority), and was deprived of his greatest strength and source of support, his close knit family. The denial of visits from his family has worsened F.D.'s depressive condition and caused him to self-isolate.

Mental Health Goals & Objectives: Goal 1, Objective A

PAI Staff: Ann Menasche

Grant/Funding Source: PAIMI

PAI Sends Opinion Letter to State Hospital Regarding Patients' Right to Smoke in a Designated Area

A number of patients at one of the State Hospitals contacted PAI regarding plans for the hospital to go smoke-free. All staff and patients would not be allowed to smoke anywhere on the hospital grounds (both indoors and outdoors). The concerned patients wanted to retain a choice in smoking and believed a smoke-free policy would raise stress and aggression among patients. Realizing that this issue would impact a large number of patients at the State Hospital, PAI opened this case to evaluate and research.

PAI sent an opinion letter to the Executive Director of the State Hospital informing him that creating a smoke-free policy at the hospital would be a violation of both State and Federal law. As of this date, the hospital has not taken any steps to implement a smoke-free policy.

Mental Health Goals & Objectives: Goal 1, Objective A

PAI Staff: Sean Rashkis

Grant/Funding Source: PAIMI

PAI Successfully Advocates for Adequate Sign Language Interpretation and Other Accommodations for Deaf Inmate in Mental Health Treatment Unit of California Correctional Facility

D.R. is deaf and has a mental health disability. He has been incarcerated in the mental health treatment unit of a Division of Juvenile Justice (DJJ) Correctional facility for the past eight months.

D.R. contacted PAI shortly after being placed in the DJJ facility. D.R. complained that although he received excellent sign interpreter services during the day for his school program, he did not receive adequate interpretation services during his mental health treatment sessions and other group treatment sessions which were held in the evening. Further, he was not given an emergency communication device to alert him when there was an emergency, nor did he have a vest to alert armed wardens that he was deaf. Lastly, he did not have equal access to telephone calls because he had only limited access to the TTY system.

PAI wrote the facility's superintendent, as well as the ADA coordinator and ombudsman and asked them to redress these problems and to inform us of their plan to conform with a pending consent decree regarding accommodations of deaf

and hard of hearing wards. Legal counsel for DJJ replied to our letter informing us that they had resolved or soon would be resolving all of the problems listed in our letter

In early April, PAI and D.R.'s public defender traveled to the DJJ facility to determine whether the problems complained of were resolved and to see whether DJJ was providing D.R. with reasonable accommodations. The visit revealed that many of the problems remained unresolved. A meeting was held and DJJ agreed to resolve all the accommodation issues. PAI will follow up again to make sure that DJJ has complied with the agreement.

Discrimination Goals & Objectives: Goal 3, Objective A

Mental Health Goals & Objectives: Goal 1, Objective A

PAI Staff: Maggie Roberts

Grant/Funding Source: PAIMI

PAI Conducts Training to Patton State Hospital Social Workers

PAI staff gave a presentation to 114 social workers at Patton State Hospital on PAI's mission, rights under civil and forensic mental health commitments and how PAI can help them ensure that their clients are getting the care to which they are entitled. Copies of PAI's "Forensic Mental Health Issues in Criminal Law: Statutes & Case Summaries", "How to Contact PAI from Patton State Hospital", and "What is PAI?" were distributed in conjunction with the training. Following the training, PAI answered questions from social workers.

Mental Health Goals & Objectives: Goal 4, Objective B

PAI Staff: Garnet Magnus, Kevin Bayley

Grant/Funding Source(s): PSAU, EA

PAI Advocacy Helps Client at State Hospital to Secure Medical Care

J.P. is a person with psychiatric and physical disabilities who resides at Patton State Hospital. Since his admission, he had been bothered by an injury that was sustained shortly before his arrival at Patton. PAI met with him and reviewed his records, then advocated with his treatment team concerning his right to receive medical care under Patton's policies and state and federal law. Shortly after PAI's visit, the J.P. was taken to an outside medical facility to undergo tests to evaluate the extent of his injury and the level of care needed to address the situation. PAI

will monitor this matter to ensure that J.P. receives any follow up medical care that he needs and that such medical care meets relevant legal standards.

Mental Health Goals & Objectives: Goal 1, Objective A

PAI Staff: Matt Fishler, Kevin Bayley

Grant/Funding Source(s): PAIMI, EA-RIF

GLOSSARY OF SELECTED TERMS

“A&D FPL PROGRAM” or AGED & DISABLED FEDERAL POVERTY LEVEL PROGRAM (Also referred to as the Medi-Cal 133% Program)

Individuals or married couples whose income is more than SSI levels, but who are still considered low income, may be eligible to receive Medi-Cal with no share of cost under this program. Under this program an individual who needs assistance with personal care and/or housekeeping tasks so they can remain safely in their homes can also receive these services with no share of cost.

AB 2726/3632

Assembly Bills 2726 and 3632 provides referrals to County Mental Health Services for children with special education needs beyond what schools can offer. These services are considered special education services.

“ADHD” or ATTENTION DEFICIT-HYPERACTIVITY DISORDER

Attention deficit-hyperactivity disorder (ADHD) is a neurobehavioral disorder that affects 3-5 percent of all American children. It interferes with a person's ability to stay on a task and to exercise age-appropriate inhibition (cognitive alone or both cognitive and behavioral). Some of the warning signs of ADHD include failure to listen to instructions, inability to organize oneself and school work, fidgeting with hands and feet, talking too much, leaving projects, chores and homework unfinished, and having trouble paying attention to and responding to details. There are several types of ADHD: a predominantly inattentive subtype, a predominantly hyperactive-impulsive subtype, and a combined subtype. ADHD is usually diagnosed in childhood, although the condition can continue into the adult years.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Methods of resolving disputes without official court proceedings. These methods include MEDIATION and ARBITRATION.

AMICUS CURIAE

PAI is often asked to appear as an organizational “*amicus curiae*,” or “*friend of the court*” in court cases raising important issues for people with disabilities.

Appearing as an “*amicus*” means that PAI submits a brief to the court raising issues as an organization, rather than on behalf of individual clients, because the issues are important to us as an advocacy organization or important to people with disabilities. When PAI appears as an *amicus curiae*, PAI staff usually assists with drafting and revising the brief, and co-signs the brief with other interested parties.

ARBITRATION

When a person that isn't involved in the case looks at the evidence, hears the arguments, and makes a decision. (Compare with MEDIATION.)

BEHAVIOR INTERVENTION PLAN

Plan made by a local educational agency (LEA) as part of an individualized education program (IEP), to change the behavior of students who harm themselves, assault others, or are destructive.

“BPAO” or BENEFITS, PLANNING, ASSISTANCE, AND OUTREACH

The Social Security Administration (SSA), as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999, awarded cooperative agreements to a variety of community organizations called Benefits Planning, Assistance, and Outreach (BPAO) projects. These BPAO projects provide all SSA beneficiaries with disabilities (including transition-to-work aged youth) access to benefits planning and assistance services. The goal of the Benefits Planning, Assistance, and Outreach (BPAO) Program is to better enable SSA’s beneficiaries with disabilities to make informed choices about work. Each BPAO Project has Benefits Specialists who will:

- Provide work incentives planning and assistance to SSA’s beneficiaries with disabilities
- Conduct outreach efforts to those beneficiaries (and their families), who are potentially eligible to participate in Federal or State work incentives programs; and
- Work in cooperation with Federal, State, and private agencies and nonprofit organizations that serve beneficiaries with disabilities.

“BWE” or BLIND WORK EXPENSES

If the Social Security Administration (SSA) considers you statutorily blind, you can have your actual benefit amount increased by up to 100% of all your work expenses, whether or not those expenses are related to your disability. You can claim transportation expenses, the cost of lunch at work, and even the taxes you

pay because of earnings. If your SSA Claims Representative agrees that your claimed work expenses can be included in a BWE, you may be able to recover up to 100% of those expenses by increasing your SSI check up to its maximum. Exactly how much your SSI benefit may increase depends on your living situation, your earned and unearned income, and the amount of your BWE.

CALWORKS

CalWORKS is California's welfare program for people who have children under 19 years old. CalWORKS provides money for children and the relatives caring for them. Work and training is required of most parents. Adults can only get CalWORKS cash aid for five years in a lifetime. If you qualify under the rules, you are entitled to cash aid from the county.

“CDR” or CONTINUING DISABILITY REVIEW

Social Security Administration (SSA) reviews disability cases periodically to see if the person with a disability still meets SSA disability rules. SSA performs two types of reviews, a medical Continuing Disability Review and a work Continuing Disability Review. Under a work review, SSA looks at earnings to determine if an individual is eligible for monthly benefits. A medical review determines if an individual is meeting the medical requirements to collect disability. If the person does not meet the medical requirements, SSA may stop the disability benefits.

“CI” or COUNTABLE INCOME

Countable Income is the amount of your income that is included in calculations to determine your eligibility for Supplemental Security Income (SSI) benefits.

CLASS ACTION

A lawsuit brought by one or more persons on behalf of a larger group where certain individuals (called “class representatives” or “named plaintiffs”) act on behalf of a larger group of people who have similar issues. The court has to determine whether a case can proceed as a class action. If so, certain specific procedures apply relating to how the members of the larger group can get notice of the lawsuit and participate in it.

CONSERVATOR, CONSERVATEE and CONSERVATORSHIP

Conservatorship is a legal proceeding in which an individual or agency (to be known as the “conservator”) is appointed by a court to be responsible for a person who needs assistance in activities of daily living (the “conservatee”). A Conservator of the person must ensure that the conservatee is properly fed, clothed, and housed. A Conservator of the estate is responsible for managing the

conservatee's money and other property. One individual may serve as either conservator of the person or conservator of the estate or both. Conservatorship applies to an adult, i.e., a person eighteen (18) years of age or older.

COURT APPOINTED SPECIAL ADVOCATES (CASA)

These are specially trained volunteers who are appointed by a juvenile court to provide advocacy to children in the foster care system. CASA responsibilities include gathering information regarding the child; advocating for the child in IEP meetings and other forums; and making recommendations to the juvenile court about the child's best interests.

“CYA” or CALIFORNIA YOUTH AUTHORITY

The California Youth Authority (CYA), a California State agency of facilities for youths who have committed serious offenses.

DAMAGES

Money that the losing side must pay to the winning side to make up for losses or injuries. There are three kinds of damages: (1) "compensatory," meaning money to pay for the actual cost of an injury or loss; (2) "punitive" or "exemplary," meaning an amount of money that's more than the actual damages. Acts as punishment or deterrence for willful or malicious acts; and (3) statutory damages, which are specific amounts in the law awarded for specific legal violations.

DECLARATION

A statement that a person writes and files with the court. It tells the judge why the person should win the case. Sometimes, a person signs this under penalty of perjury.

DECLARATORY JUDGMENT

A judgment of the court that explains what the existing law is or expresses the opinion of the court without the need for enforcement.

DEMURRER

A “demurrer” is a specific kind of request filed with the Court in response to a lawsuit. A demurrer alleges that even if the facts are true, there is no legal violation. The court decides on the demurrer at a hearing after both parties present memos and argument to the court.

DEPOSITION

Written or oral testimony given under oath in front of an authorized third person like a court reporter. Depositions take place outside of the court. They allow the parties to get a record of a person's testimony, or to get testimony from a witness that lives far away. They can help the lawyers prepare their court papers called "pleadings." (See also DISCOVERY.)

“DDS” or CA DEPARTMENT OF DEVELOPMENTAL SERVICES

The California Department of Developmental Services (DDS), which funds and oversees services to people with developmental disabilities in California.

“DFEH” or DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

The California Department of Fair Employment and Housing is the state agency that investigates employment and housing discrimination claims and is responsible for enforcing state fair housing and fair employment laws, including disability rights laws in the housing and employment context.

“DHS” or CA DEPARTMENT OF HEALTH SERVICES

The California Department of Health Services (DHS), which funds and oversees health services in California, including nursing home care and home care.

DISCOVERY

The gathering of information (facts, documents, or testimony) before a case goes to trial. Discovery is done in many ways, such as through depositions, interrogatories, or requests for admissions. It can also be done through independent investigation or by talking with the other side's lawyer.

DISMISSAL WITH PREJUDICE

When a court dismisses a case and will not allow any other suit to be filed on the same claim in the future.

DISMISSAL WITHOUT PREJUDICE

When a court dismisses a case, but will allow other suits to be filed on the same claim.

“DMH” or CA DEPARTMENT OF MENTAL HEALTH

The California Department of Mental Health (DMH), which funds and oversees mental health services in California.

“DOE” or DEPARTMENT OF EDUCATION

“DSS” or CA DEPARTMENT OF SOCIAL SERVICES

The California Department of Social Services (DSS) funds and oversees public assistance programs in California, including CalWorks (family assistance) and case management for personal care services.

DYSAUTONOMIA

(Familial) Dysautonomia affects the autonomic nervous system, which controls involuntary actions such as digestion, breathing, tearing, and the regulation of blood pressure and body temperature. This condition also affects the sensory nervous system, which controls activities related to the senses, such as taste and the perception of pain, heat, and cold.

“EA” or EQUAL ACCESS

PAI receives grants from the state Equal Access to Justice Program to serve indigent people with disabilities on specified projects.

ELLIS ACT

The Ellis Act (California Government Code §§ 7600 et seq.) is a California law that bars local governments from enacting regulations, such as condominium conversion ordinances, that would prevent some landlords from leaving the rental housing market.

EN BANC

Court sessions where all the judges of a court participate, instead of the usual number. For example, the U.S. circuit courts of appeals usually use panels of three judges, but all the judges in the court may decide certain matters together. When that happens, they are sitting "*en banc*" (sometimes spelled "in banc"). It comes from the French language and means "on the bench."

“EPSDT” or EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

The Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT) provides health care diagnostic and treatment services to individuals under age 21. Under federal law, California must give people under age 21 specified diagnostic services. They also must provide treatment services to correct or ameliorate defects and physical and mental illnesses and conditions discovered as a result of the diagnostic services.

EXCEPTION PAYMENT

“Exception Payment” is a subsidy above the amount usually allowed.

“EXR” or EXPEDITED REINSTATEMENT

This term is used under The Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to allow benefits for a person with a disability to be reinstated quickly if they are no longer working. It provides for temporary benefits during a period of evaluation, rather than requiring a new application for benefits.

“EPE” or EXTENDED PERIOD OF ELIGIBILITY

This term is used under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs to provide additional protections to people whose disabilities may only allow periodic employment. Under these programs, if you stop working you may automatically have your benefits restored without having to reapply.

FAIR HEARING

A hearing in front of an agency or administrative law judge to review an agency decision. People have certain rights in fair hearings such as the right to present evidence, to cross examine and to have findings supported by evidence.

FAIR MARKET RENT (FMR)

The Fair Market Rent (FMR) is the amount that the Housing and Urban Development (HUD) sets for rent. Tenants have to pay extra if rents exceed the FMR, as they usually do because the FMR's are unrealistically low.

“FIFTH CATEGORY” REGIONAL CENTER ELIGIBILITY

A person is eligible for the "fifth category" if he or she has a condition that is similar to mental retardation and/or has treatment needs that are similar to a person with mental retardation.

FORENSIC

A term used by both DDS and DMH and intended to indicate individuals who have had some involvement with the criminal justice system, though sometimes used too broadly for people with aggressive behavioral challenges. The intersection between the mental health system and the criminal justice system is often called “forensic mental health.” In California, there are 6 different commitment categories for people who are involved with the mental health system because of their contact with the criminal justice system.

“G-TUBE” or GASTROSTOMY TUBE

A Gastrostomy Tube (G-Tube) is a tube that is placed on the stomach to vent for air or drainage, and/or is an alternate way for feeding.

GUARDIAN AD LITEM

An adult appointed by a court who represents a minor child an individual who has difficulties in acting on his or her own behalf. Comes from Latin meaning for the "purposes of the lawsuit."

GUARDIANSHIP

A guardianship applies only to minors, i.e., person under the age of eighteen (18) years. The principal purpose of guardianship is to provide protection for a child who has no parent.

HABEAS CORPUS

A "writ of *habeas corpus*" is a judicial mandate to someone who has custody of a person ordering that the person be brought to the court so it can be determined whether or not that person is lawfully confined and whether or not the person should be released from custody. A habeas corpus petition is a petition filed with a court by a person who objects to the person's own or another's confinement, or to the conditions of confinement. The term comes from Latin.

"HHS" or HEALTH & HUMAN SERVICES

HHS is the federal agency overseeing health and human services.

"HIPAA" or HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The new federal Health Insurance Portability and Accountability Act (HIPAA) protects the privacy of medical records and other confidential health information, and restricts access to records except under specified circumstances.

"HOUSING CHOICE VOICHER" OR "SECTION 8"

Housing Choice Vouchers, often referred to as Section 8 Vouchers, help subsidize rents for lower income tenants, including tenants with disabilities. The local Public Housing Authority (PHA) pays part of the tenant's rent when the tenant rents from a private landlord.

"HUD" or U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The U.S. Department of Housing and Urban Development (HUD) funds and regulates many housing and community development programs for lower income people and people with disabilities, including Section 8.

“ICF-DD-N” or INTERMEDIATE CARE FACILITY DEVELOPMENTALLY DISABLED-NURSING

Intermediate Care Facility-Developmentally Disabled-Nursing (ICF-DD-N) are a category of community facilities licensed by the California Department of Health Services (DHS), which generally house 6 residents.

“IDEA” or INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The Individuals with Disabilities Education Act (IDEA) is the federal statute that requires school districts receiving federal funds to provide all students who have a categorically defined disability with a free appropriate public education (FAPE) in the least restrictive environment. FAPE includes specialized instruction and related services that meet the state educational standards and are implemented as called for in a student’s individualized education program (IEP).

“IEP” or INDIVIDUALIZED EDUCATION PROGRAM

An Individualized Education Program (IEP) describes the educational program that has been designed to meet the unique needs of a child with disabilities. Each child who receives special education and related services must have an IEP, which is an individualized document developed in consultation with the parents, school, advocates, students (as appropriate), and health professionals.

“IHSS” or IN-HOME SUPPORTIVE SERVICES PROGRAM

The In-Home Supportive Services Program (IHSS) helps pay for services to eligible people to enable them to stay in their own homes. To be eligible you must be blind or have a disability or be over 65 and need these services so you can remain safely in your home. IHSS is an alternative to out-of-home care such as nursing homes or board and care facilities.

“IMD” or INSTITUTION FOR MENTAL DISEASE

An IMD is defined in the Code of Federal Regulations at 42 CFR 435.1009 as a facility of more than 16 beds that is primarily engaged in providing treatment services for individuals diagnosed with mental illness.

IMPLIED WARRANTY OF HABITABILITY

The right to get an apartment in good condition.

IN-HOME OPERATIONS HOME AND COMMUNITY-BASED SERVICES (IHO-HCBS WAIVER)

The new IHO HCBS waiver combines several existing waivers, including the NF/AB waiver, to expand the number of slots and services that waiver recipients who would otherwise be institutionalized in a nursing facility, subacute facility or acute hospital can receive in the community.

INDIAN CHILD WELFARE ACT (ICWA)

This is a federal law to protect the integrity of American Indian families. It acknowledges and implements the tribe's right to intervene in state child custody proceedings.

INJUNCTION

An injunction or permanent restraining order is a court order requiring someone to take specific actions or ordering them to stop certain behaviors, based on legal obligations. It is issued after both sides have been heard by the court in a hearing or trial. The court order specifies the specific actions, people and time for compliance.

IN FORMA PAUPERIS (IFP)

A court says a person does not have to pay a filing fee because the person can't afford it. In Latin, it means "in the manner of a pauper."

IN PROPIA PERSONA (IN PRO PER)

In Propia is when a person represents himself or herself without a lawyer. This comes from the Latin for "in one's own proper person." (See also PRO PER AND PRO SE.)

INTERROGATORIES

Written questions asked by one party in a lawsuit, which the opposing party must answer in writing.

INTERVENOR

A person who voluntarily participates in a lawsuit or other proceeding brought by other people. The court must approve the participation of the intervenor.

“IOLTA” or INTEREST ON LAWYERS TRUST ACCOUNTS

This is a method of funding for legal services to low income people and people with disabilities. It is also referred to as “Trust Fund”. It is administered by the State Bar Association. PAI receives IOLTA funding.

“IPP” or INDIVIDUAL PROGRAM PLAN

California's Lanterman Act provides that persons with developmental disabilities are entitled to "IPPs," or Individual Program Plans that identifies the person's goals and the services and supports they will get to help them meet their goals. This action plan helps provide community supports to prevent institutionalization of people with developmental disabilities.

"IRWE" or IMPAIRMENT RELATED WORK EXPENSES

This term is used under The Social Security Disability Insurance (SSDI) AND Supplemental Security Income (SSI) programs to refer to out-of-pocket expenses that are needed in order to be able to work. These expenses are deducted from earnings before certain benefit calculations are made.

JUDGMENT (JUDGEMENT)

The judge's final decision in a case.

LANTERMAN ACT

The California law which grants people with developmental disabilities an entitlement to services and supports.

LEVEL 14 GROUP HOME PLACEMENTS

Level 14 refers to a rate classification that reflects the staffing needs of an individual in Community Care Licensing Facilities. 14 is the highest rate available.

"LPS" or Lanterman-Petris-Short ACT

The Lanterman-Petris-Short Act is one of the main California laws governing services to and treatment of people with mental illness. It covers certain conservatorship proceedings as well as establishes that persons are statutorily entitled to individualized treatment that is least restrictive of their personal liberties.

MANIFESTATION DETERMINATION

The manifestation determination meeting is a meeting of the relevant members of the IEP team to determine whether a child with a disability may be expelled or have his placement changed for more than 10 consecutive school days. At the meeting, the IEP team reviews the relevant information from the student's file, including the IEP and any information from teachers and the parents and then decides two things: 1) was the behavior caused by, or did it have a direct and substantial relationship to, the child's disability, and 2) was the behavior the direct result of the school's failure to implement the IEP? If the team answers yes to either question, the child cannot be expelled and a placement change would require the consent of the parent or a hearing officer's order. If the IEP team members representing the school district believe the answer to both

questions is “no” and the parent disagrees, the parent can appeal to a special education hearing.

MEDI-CAL (See Medicare)

Medi-Cal is California's program to pay for medical care for many low income people, especially families, children, people with disabilities, and the elderly. Medi-Cal is funded by the state and federal government. There are many Medi-Cal programs with different rules. Depending on which program you qualify for and how much money you make, Medi-Cal may pay for all your medical expenses or only part of them.

MEDICARE (See Medi-Cal)

Medicare is a federal health insurance program which provides benefits for eligible people. There are two parts to the program: "Part A" is hospital insurance and "Part B" is medical insurance. Medicare does not cover everything, and is not free for most people.

MOTION

An oral or written request made by a party to an lawsuit before, during, or after a trial asking the judge to issue a ruling or order in that party's favor.

“MSSP” or MULTIPURPOSE SENIOR SERVICES PROGRAM

The Multipurpose Senior Services Program (MSSP), operated by the California Department of Aging, provides case management and a range of services to assist seniors with disabilities to live independently.

NURSING FACILITY WAIVER

The Nursing Facility Waiver allows someone who is otherwise eligible for nursing facility services to instead receive services in the community. It is called a "Waiver" because it waives certain federal Medicaid rules in order to provide different or more services than the State offers to other Medicaid (Medi-Cal) eligible people.

“OCRA” or OFFICE OF CLIENT’S RIGHTS

“ODD” or OP POSITIONAL DEFIANT DISORDER

Oppositional Defiant Disorder (ODD) is a type of disruptive behavior disorder characterized by a recurrent pattern of defiant, hostile, disobedient, and negativistic behavior directed toward those in authority, including such actions as defying the requests or rules of adults, deliberately annoying others, arguing, spitefulness, and

vindictiveness that occur much more frequently than would be expected on the basis of age and developmental stage.

OPINION

A judge's written explanation of a decision of the court or of a majority of judges. A dissenting opinion disagrees with the majority opinion because of the reasoning and/or the principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment. A *PER CURIAM* OPINION is an unsigned opinion "of the court."

"OPR" or OFFICE OF PATIENT'S RIGHTS

ORDER TO SHOW CAUSE

A court order that makes someone go to court to explain to the judge why he or she did not follow the rules.

"PAAT" or PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY

Beginning in 1998, PAI received limited funds under the Protection and Advocacy for Assistive Technology (PAAT) Act to increase access to assistive devices and equipment.

"PABBS" or PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY

Under the Protection and Advocacy for Beneficiaries of Social Security (PABSS) Act, PAI provides advocacy assistance to Beneficiaries of Social Security Disability or Supplemental Security Income (SSI), and to people who are working and are beneficiaries of Medicare, Medi-Cal or In-Home Supportive Services (IHSS) about securing or requiring employment.

"PADD" or PROTECTION & ADVOCACY FOR DEVELOPMENTAL DISABILITIES

In 1978, PAI became the agency in California responsible for protecting and advocating for the rights of people with developmental disabilities under the federal Developmentally Disabled Assistance and Bill of Rights Act of 1978.

"PAIMI" or PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (PAIMI) extended PAI's mandate to people with psychiatric disabilities.

“PAIR” or PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS

The Protection and Advocacy of Individual Rights Act of 1992 (PAIR) extended PAI’s mandate to people with physical, learning and sensory disabilities.

“PASRR” or PREADMISSIONS SCREENING AND RESIDENT REVIEW

This is a federally mandated psychosocial, psychiatric and physical evaluation of persons admitted to nursing facilities or at risk of being placed in nursing facilities, funded by the Department of Mental Health and administered by independent contractors. It helps identify the need for specialized services and helps identify appropriate community placements rather than institutionalization.

“PATBI” or PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN INJURY

Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) assures that people with traumatic brain injury receive appropriate services and supports within their own communities. PAI promotes the rights of people with Traumatic Brain Injury (TBI) through advocacy assistance, education, and outreach to build TBI community awareness and support for inclusion. This program was established by federal grants from the Department of Health and Human Services.

“PAVA” or PROTECTION & ADVOCACY FOR VOTING ACCESS

Part of the Help America Vote Act of 2002 (HAVA) was the Protection and Advocacy for Voting Access (PAVA) program. PAVA expanded PAI's ability to work for full participation in the electoral process for people with disabilities, including registering to vote, casting a vote and accessing polling places.

PRO BONO

Legal work done for free. From the Latin meaning "for the public good." Private firms often work with PAI “*pro bono*” – without charge to clients.

PRO PER

People who present their own cases in court without lawyers (*See also IN PROPIA PERSONA and PRO SE.*)

PRO SE

People who present their own cases in court without lawyers (*See also PRO PER and PRO SE.*)

PROTECTIVE SUPERVISION

Protective supervision is supervision for individuals who, because of cognitive or mental impairments, need continuous supervision in order to prevent self-inflicted harm while living at home.

PURCHASE OF SERVICES (POS)

Purchase of Services (POS) dollars is money used by people served under the Lanterman Act. It allows the person with a developmental disability to directly pay service providers.

RIESE HEARING

A hearing to determine an individual's capacity to refuse administration of psychotropic medication.

REGIONAL CENTERS

Non-profit corporations which, under the provisions of the Lanterman Act, contract with the Department of Developmental Services to provide service coordination to individuals with developmental disabilities and assist people to obtain the supports they need. There are 21 RCs in California, each serving a different geographical area.

SECTION 8

Section 8 is a federally funded housing assistance program that provides to low income families. The vouchers allow the family to rent any apartment or house where the landlord will accept them, and pay a limited amount of money, generally 30% of the family's income. Section 8 is operated by local housing authorities and usually has a long waiting list.

SELF-DIRECTED SERVICES

"Self-Directed Services" is a new model for providing services to people with developmental disabilities that allows them to manage their own budgets and gives them more control over providers.

"SELPA" or Special Education Local Plan Area

The Special Education Local Plan Area (SELPA) is an administrative unit under California law that joins together one or more local school districts in a geographic area. This allows districts to share in the coordination, funding, personnel or other administration of services for special education students. School districts with large populations usually stand alone as a single-district SELPA.

"SGA" or SUBSTANTIAL GAINFUL ACTIVITY

Substantial Gainful Activity is the term used by Social Security when evaluating earned income and “work activity” of individuals applying for or receiving disability benefits.

There are two criteria that determine SGA: (1) Substantial activity: work that involves doing significant physical or mental work, or a combination of both, that is productive and for profit. (2) Gainful work activity: work performed for pay or profit; work of a nature generally performed for pay or profit; or work intended for profit, whether or not a profit is realized.

This is a monthly amount that is specified by Social Security for individuals who are employed or self-employed. SGA may be determined by work done or hours worked in a month. Monthly SGA earnings limits are adjusted annually based on fluctuations in the national average wage index.

“SRO” or Single Room Occupancy

Single room occupancy hotels, or residency hotels, provide single room apartments with shared bathrooms for low income individuals. This is an important source of housing for people with disabilities who live on fixed incomes.

“SSI” or Supplemental Security Income

Supplemental Security Income (SSI) is a cash benefit program for low-income people 65 and over and for people of any age, including infants and children, who are blind or have disabilities. CAPI is a similar program for immigrants who do not qualify for SSI.

STATUTE

A law passed by the United States Congress or a state legislature.

STATUTE OF LIMITATIONS

A law that says how much time you have to file a lawsuit after something happens.

STAY

An order by a court that stops any further action in the case for a certain period of time.

SUMMARY JUDGMENT

When the judge decides a case without going to trial. The decision is based on the papers filed by both sides.

TEMPORARY RESTRAINING ORDER (TRO)

A Temporary Restraining Order (TRO) is a court order requiring immediate action. It is an emergency remedy of brief duration issued by a court only in exceptional

circumstances, usually when immediate or irreparable damages or loss might result before the opposition could take action.

“TBS” or THERAPEUTIC BEHAVIORAL SERVICES

Therapeutic Behavioral Services (TBS) is a Medi-Cal mental health service. It provides short-term one-to-one assistance to children or youth under age 21 who have behaviors that are too hard for their families or foster placement to handle, such as tantrums, assaultive behavior or destruction of property. TBS can be provided to children at home, in a group home, in the community, during evening and weekends, and at other times and places as needed. The county mental health plan develops a behavior intervention plan and assigns a trained behavior aide to a child/youth for as many hours per day as needed. The county may also authorize another mental health organization to develop the plan and assign the behavior aide.

TRANSCRIPT

A record of everything that is said in a deposition, hearing or trial. Transcripts may be prepared from tape recordings or may be done by certified court reporters who use special equipment to make a word-for-word record of the proceeding.

“TWP” or TRIAL WORK PERIOD

A “Trial Work Period” under Social Security Disability law allows people with disabilities to test their ability to work for at least 9 months without reducing their Social Security Disability Income. During the TWP, an individual will receive full SSDI benefits regardless of how high their earnings might be, so long as they have a disability.

UNRUH CIVIL RIGHTS ACT

This law provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, or sexual orientation.

WRIT

A court order that says certain action must be taken.

WRIT OF MANDATE

A court order to a government agency, including another court, or to a private entity requiring it to follow the law by correcting its prior actions, ceasing illegal acts, or taking certain actions.

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