

Disability Rights California
California's protection & advocacy system
2016 Annual Report
Advocating For...



2016 Annual Report

ADVOCATING FOR ...



ADVOCATING FOR... EQUALITY, DIGNITY, INDEPENDENCE & FREEDOM

DISABILITY RIGHTS CALIFORNIA (DRC) is a nonprofit organization founded in 1978 to protect the rights of people with disabilities. Our mission is to advocate, educate, investigate and litigate to advance the rights of Californians with disabilities.

What We Stand For – What We Fight For

Advocating for equality, dignity, independence and freedom

DISABILITY RIGHTS CALIFORNIA, founded on the principles of equality, dignity, independence and freedom of people with disabilities, for nearly 40 years has fought to end abuse and neglect, stop discrimination and ensure access to services that allow Californians with disabilities to be included in the mainstream of society. Last year was no exception. In every aspect of our work – from releasing a major report calling on the state to hold nursing homes accountable for resident deaths to helping a young man move from a facility into his family’s home – achieving these qualities of life for our clients is at the forefront of our work.

We know that these basic human rights face challenges in the year ahead. We will build upon our advocacy successes and fight for what we stand for – equality, dignity, independence and freedom for Californians with disabilities. We hope that you will join us.



C. Blakemore

CATHERINE
BLAKEMORE

Executive Director



DIANA
NELSON

Board President

Our Client Stories



ADVOCATING FOR ... EQUALITY

Support allows young woman to attend college

Getting an education is very important to Christina Rocha. However, she had problems pursuing her goal to attend college. She needs a personal attendant to help her manage the bus and navigate the campus. The regional center did not give her the number of attendant hours she needed.

In spite of numerous challenges, Christina did not give up. DRC clients' rights advocate Hannah Liddell helped her get the services she needed to live a full and independent life, including going to college. "She has strong goals for herself and knows how to get the supports she needs to meet them," said Hannah. "She's one of my favorite clients."

Christina also faced challenges obtaining funding through the Department of Rehabilitation to pay for tuition, books and supplies. Carmen Varela, advocate with the Client Assistance Program, negotiated reimbursement for all of her out-of-pocket expenses.

Christina attends California State University Los Angeles and plans to work with children who have terminal illnesses. DRC's board of directors honored her with a Client Recognition Award at its September 2016 meeting.



Social Security offices improve services to deaf consumers

Louis Fresquez, who is deaf, had to wait hours for an appointment at his local Social Security Administration (SSA) office. The field offices were not equipped to communicate with deaf consumers. They received a number when they checked in and had to wait until it was called. They could not hear the number, so they waited – sometimes all day – until someone noticed them and directed them to an agent.

Louis contacted DRC. Over a two-year period, DRC met with high-level administrators in the SSA to resolve this issue for deaf and hard-of-hearing beneficiaries. As a result, the SSA held sensitivity and compliance trainings at field offices throughout the state. In addition, the SSA installed monitors in all field offices throughout the country so deaf clients like Louis can see their number when it is called.

“We fought hard for this, and I believe this change will make access to services much easier for our clients who are deaf and rely on Social Security benefits,” said DRC attorney Deborah Gettleman.

“This change makes me feel so good,” Louis said. “I don’t have to spend the whole day there anymore. I had an appointment in less than 20 minutes the last time I went to the office. Without DRC’s help, this would not have happened. Many deaf people rely on Social Security and so this change impacts all of their lives.”



Los Angeles endorses landmark accessible, affordable housing settlement

Publicly funded housing for low-income tenants must have accessible units for residents with disabilities. The rooms must have space for a wheelchair to maneuver; counters must be low enough to be accessible; and other changes must be made for people who are deaf or blind. The Independent Living Center of Southern California, CALIF, and the Fair Housing Council of San Fernando Valley, asked DRC and its co-counsel, Relman, Dane & Colfax, Disability Rights Legal Center, and David Geffen, to sue the city of Los Angeles for its failure to ensure accessible, affordable housing. In 2016, the city approved a settlement that ensures that at least 4,000 affordable housing units will meet accessibility standards required by law. All new affordable housing will have strong accessibility requirements.

The \$200 million agreement is the largest accessibility settlement involving affordable housing in the country. The funds will go toward repairing noncompliant units and making new apartments accessible. “The lack of affordable, accessible housing is a critical issue for people with disabilities,” said DRC attorney Autumn Elliott. “We look forward to working with the City of Los Angeles to reduce these barriers and promote full integration of people with disabilities.”



Settlement helps blind and visually impaired IHSS recipients read documents

Californians who are blind or visually impaired and enrolled in the In-Home Supportive Services (IHSS) program can now read their IHSS documents and verify worker timesheets. These changes are part of an agreement DRC reached with the state Department of Health Care Services and the Department of Social Services.

IHSS program recipients are required to sign bi-weekly timesheets verifying the hours worked by their in-home workers. However, recipients like Xiomara Diaz, who is blind, could not verify the printed timesheets by herself or read program information.

The agreement requires the state to invest in a \$10 million system that allows IHSS clients to approve timesheets independently over the telephone. They can also choose to receive the information in accessible alternative formats. “Before we had this program, I didn’t feel comfortable signing documents I could not read,” Xiomara said. “Now, it’s so much easier to verify timesheets.”

DRC attorney Elizabeth Zirker is pleased with the settlement results. “I hope that as technology improves, the state will continue to expand access to public programs.”



ADVOCATING FOR ... DIGNITY

UCLA student helps others with mental health disabilities

Taylor Tabbut knows the challenges students with mental health disabilities face, including stigma and discrimination. As president of National Alliance on Mental Illness (NAMI) on Campus UCLA, she made it her mission to change that. “I’m trying to create an environment where people treat others with compassion and understand their differences.”



Taylor learned self-advocacy skills and peer support from DRC’s Peer Self Advocacy (PSA) program. She is using what she has learned to help other students get the services and support they need. “She’s been a wonderful and dedicated advocate for students with mental health disabilities at UCLA,” said Robyn Gantsweg, DRC’s PSA unit manager. “As president of NAMI on Campus UCLA, she’s a great leader whose passion motivates students to gain knowledge and skills to advocate for the support they need.”

That passion and dedication earned Taylor a Client Recognition Award from the DRC board of directors at its September 2016 meeting.

DRC participates in deaf rights rally at state Capitol



DRC participated in the National Deaf Rights Now rally on May 4 at the state Capitol. The Deaf Grassroots Movement, a national effort, organized the event. The group's aim is to end discrimination against deaf individuals. Callie Frye, DRC multicultural affairs advocate, gave a presentation in American Sign Language about DRC services and what our organization can do for the deaf and deaf/blind community.

She highlighted how important it is to reach out to multi-ethnic and underserved communities. Following her presentation, numerous deaf leaders said they want to collaborate with DRC as well as receive training from us.

Governor signs DRC bill extending protection from discrimination to workers with disabilities

Gov. Jerry brown signed a bill into law extending discrimination and harassment laws to employees who work in sheltered workshops and rehabilitation facilities. Previously, these employees did not have protections against discrimination based on race, age, religion or gender. DRC sponsored the bill co-authored by San Diego assemblywoman Lorena Gonzalez.

“People who are employed in a sheltered workshop should be treated the same as individuals working in any other setting,” said Evelyn Abouhassan, DRC senior legislative advocate.



The bill became law January 1, 2017. Now, sheltered workshop employees can file a complaint with the state Department of Fair Employment and Housing.

“Extending these important protections is the fair thing to do.”

“Real Work for Real Pay”

William Jew worked in a sheltered workshop earning less than \$6 a week. He knew he was capable of working in the community and getting a job that would help him support his family. DRC advocate Rebecca Hoyt helped him do that, and today, he enjoys his maintenance job at a Sam’s Club. William is one example of how DRC helps people with disabilities receive a competitive wage at jobs that employ people without disabilities.

DRC also collaborated with three state agencies to develop policies so more people with disabilities can work in the community rather than in sheltered workshops. The draft five-year blueprint, “Employing Individuals with Intellectual Disabilities and Developmental Disabilities in California – Real Work for Real Pay in the Real World,” was released in November 2016. By March 2019, the state will not place anyone else in a sheltered workshop and will move those who are still there to jobs in the community.

“We worked closely with the California Departments of Education, Rehabilitation, and Developmental Services as they created a plan to improve services for people with intellectual and developmental disabilities that lead to real jobs in the community,” said DRC Deputy Director Andrew Mudryk. “We are pleased the state is committed to helping people achieve their employment goals.”

Protecting the rights of prisoners with disabilities

DRC used its federally mandated access to monitor five county jails and juvenile facilities last year. We worked to protect the rights of prisoners with disabilities by meeting with clients who had limited access to advocates and toured areas seldom seen by outsiders.

In some cases, DRC's advocacy produced quick results. In Sonoma County, we saw that some of the jail's involuntary medication procedures denied prisoners required mental health treatment as well as their legal rights. DRC demonstrated that to involuntarily medicate clients legally, they had to provide services in an appropriate mental health facility, not the jail, and could only give medications for a limited time.

Due to DRC's advocacy, Sonoma County modified those illegal policies. Now, the county works with prisoners to encourage voluntary medication compliance. It intends to contract to provide some acute mental health care for county prisoners outside of the jail.



ADVOCATING FOR ... INDEPENDENCE

DRC helps man get teaching job

Humberto Silva was excited about starting his career in education following his graduation from UC Davis. He applied to be a substitute para-educator (assist the teacher in the classroom) at an elementary school. As part of the application process, he had to submit to a fitness for duty examination. Although Humberto passed the exam, the doctor noted that he had a visual impairment. "I didn't believe it would affect my work, and I met all of the required qualifications for the position," he said. However, the district rejected his application.

DRC wrote a letter to the school district explaining that by rejecting Humberto, it was discriminating against someone because of a disability under state and federal law. The district reversed its decision and hired him.

State hospital resident exercises right to vote

A new state hospital resident told staff he wanted to vote. His letters of conservatorship indicated he had the legal right to cast his ballot. However, the deadline to register was just two days away. He did not have time to do it by mail, and he could not register in person since he was in a state facility. DRC staff advocated to have his social worker help him register online. He met the deadline and exercised his right to vote.

“Your vote matters”

In a presidential year, it was more important than ever that people with disabilities understand their voting rights. DRC’s Voting Rights Unit took a creative approach to explain those rights in California by creating a YouTube video. Attorney Paul Spencer contacted KMR, a Los Angeles talent agency that represents actors with disabilities. The agency cast Kristy Kishler and Steven Clark as voters explaining voting rights as they go to a polling place. Steven is an actor on the popular A&E television series “Born This Way.” Both actors offered their services pro bono.



DRC attorney Fred Nisen worked with the Los Angeles County Registrar of Voters in Norwalk, which provided a mock polling place and allowed its staff to participate as extras. There were more than a thousand views on YouTube, and the California Secretary of State featured the video on its department website.

ADVOCATING FOR ... FREEDOM

Young man happier after he moves home

Zachary Giliberto enjoyed skateboarding. In fact, his mother, Tammy, said he could spend hours doing it. At 18, his world changed when he was involved in a car accident and sustained a traumatic brain injury. He spent eight years in and out of various nursing homes – often transferred with little notice. Tammy really wanted him home and did not think he belonged in a facility.

She contacted DRC advocate Todd Higgins, who helped the family get a Medi-Cal Nursing Facility Acute Hospital Waiver to pay for the medical care Zachary required to live safely at home with his family. “Getting him home was our number one goal, and until DRC advocate Todd Higgins stepped in, it never seemed possible,” said Tammy. Zachary’s health has improved since moving home. He no longer gets respiratory infections.

Zachary received DRC’s Client Recognition Award at the December 2016 board meeting. In presenting the honor, Todd said, “Zachary’s transition to the community was successful because his mother did not give up and was always available to make sure her son’s rights were enforced.”



Former facility resident free from abuse

The administrator of an adult residential facility repeatedly abused resident Scott Tinsley. Eventually, Scott moved into his own apartment. However, the administrator continued to pursue him. With Scott's cooperation and extensive information, investigator Jung Pham was successful in submitting a complaint to the assailant's certifying board. After



the board completed its investigation, it revoked the assailant's certification to operate.

Jung and DRC board member Herb Anderson presented Scott with DRC's Client Recognition Award. "Scott really embodies the spirit of a true self-advocate by not only having the strength to retell his story to investigators, but also finding a way through the trauma to start a new life," said Jung.

Today, he enjoys living in his own apartment. He attends a day program and has a girlfriend.

U.S. Department of Education ruled in favor of boy restrained 92 times by school

The U.S. Department of Education ruled the Oakland Unified School District discriminated against a DRC client when it restrained the student 92 times in a year. Twelve-year-old Stuart Candell attended a nonpublic school for children with behavioral challenges that result from their disabilities. Stuart's parents thought the school used positive behavior interventions when their son was stressed. Instead, the Candells found out the staff restrained and secluded him in a small room, which traumatized and hurt him.



“When I was restrained, I got many scratches and bruises because I was held down,” Stuart said. “I had scratches on my chin because I was trying to scoot away.”

“We are deeply troubled that any California school district uses dangerous restraint practices, and we look forward to ensuring these practices are eliminated in all California schools,” said DRC attorney Suge Lee.

According to the settlement, the district is required to sever all contracts with schools that use prone restraints; create a way to monitor such practices; and hire an expert to teach staff positive behavior interventions.

DRC report finds the state must hold nursing homes accountable for resident deaths

DRC found the California Department of Public Health (CDPH), which licenses nursing homes, does not consistently impose adequate penalties when a resident's death is caused directly by staff misconduct. As a result, nursing home residents remain in harm's way. The finding is contained in a report DRC released following an investigation into deaths of nursing home residents.

"We analyzed hundreds of cases and found that negligent care directly contributed to resident deaths," said DRC attorney Pamila Lew. "But the state issued lower-level citations, which resulted in lighter penalties, sometimes seeming to significantly discount staff responsibility in the loss of life."

The report cited the case of Alejandro Reynolds, a 30-year-old man with paraplegia, who died after bleeding uncontrollably from a massive pressure sore. DRC found his death was the direct result of negligent care that should have led to the most severe Class AA citation. Instead, the state issued the second-level Class A. The top citation would have meant CDPH would have revoked or suspended the facility's license after a second resident died from staff neglect.

DRC made a number of recommendations, including issuing a new level of citation when staff conduct directly relates to a resident's death. We are pleased that, after reviewing the report, the CDPH agreed to provide the public with more information about nursing home citations and resident deaths on its website. DRC is looking into legislation that would add a new citation classification whenever a death occurs.

DRC Fast Facts

DRC STAFF CONDUCTED 1,075 OUTREACHES & TRAININGS, IMPACTING 40,000+ PEOPLE.

OUR STAFF SERVED 25,000+ INDIVIDUALS AND...

IMPACTED ALMOST 500,000 MORE THROUGH OUR SYSTEMIC LITIGATION.

OUR STAFF DEVELOPED, UPDATED OR REVISED 369 PUBLICATIONS (40 TRANSLATED INTO OTHER LANGUAGES).

IN FISCAL YEAR 2016, DRC STAFF PROVIDED SERVICES TO INDIVIDUALS ON 25,463 REQUESTS.



2016 AT A GLANCE

DISABILITY RIGHTS CALIFORNIA STATEMENT OF ACTIVITIES

Fiscal Year Ended September 30, 2016

REVENUE AND SUPPORT

Federal Government	\$11,231,852
State of California	8,039,094
California State Bar	2,132,473
Program Income/ Attorney Fees	1,825,425
Miscellaneous Income and Interest Income	424,754
Donations	98,051

TOTAL REVENUE **\$23,751,649**

EXPENSES

Program Services	19,771,868
General and Administrative	2,284,550

TOTAL EXPENSES **22,056,418**

CHANGE IN NET ASSETS \$1,695,231

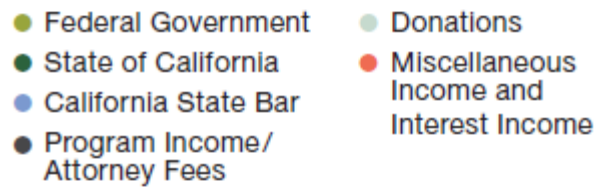
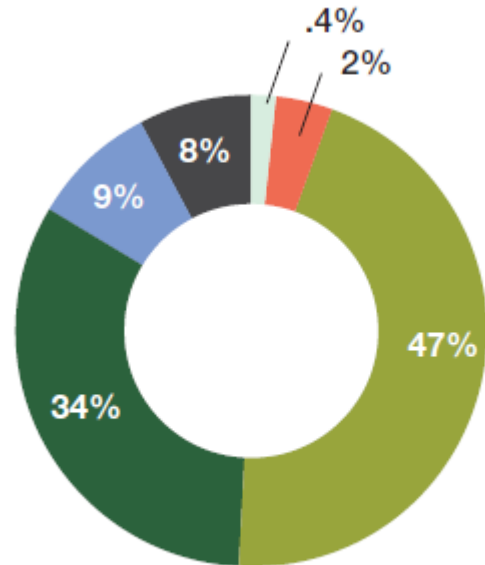
REVENUE AND SUPPORT

- 47% Federal Government
- 34% State of California
- 9% California State Bar
- 8% Program Income/Attorney Fees
- .4% Donations
- 2% Miscellaneous Income and Interest Income

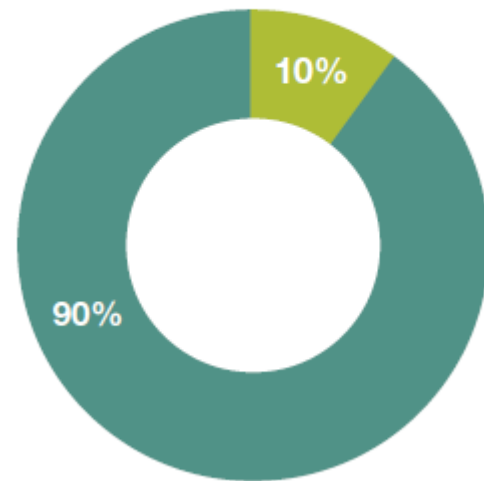
EXPENSES

- 90% Program Services
- 10% General and Administrative

REVENUE AND SUPPORT



EXPENSES



Thank you to our pro bono partners and volunteer attorneys.



2016 BOARD OF DIRECTORS



Disability Rights California 2016 board members, pictured from left, clockwise: Herb Anderson, chair; Chuck Ehrlich; Diana Honig; Pam Romano; Judy Mark, secretary; Elizabeth Gomez; David Oster; Angela Van Ostran; Jennifer Restle, chief financial officer, and Camille (dog); and Diana Nelson (center), president

Not pictured: Debra Cosby, Suzette Lin and Jane Zerbi



Please donate to help DRC advocate for equality, dignity, independence and freedom.

DISABILITY RIGHTS CALIFORNIA, 1831 K ST., SACRAMENTO, CA
95811-4114

Or, donate via credit/debit card by calling **800.776.5746** or online at
www.disabilityrightsca.org/about/donate.htm

Disability Rights California is funded by a variety of sources. For a complete list of funders, go to
www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html



www.disabilityrightsca.org Intake Line: 800-766-5746