

# 2018 Annual Report

## Turning Advocacy into Action

### **Taking on cutting-edge issues to protect rights, stop discrimination, and ensure access to services**

We celebrated our 40th anniversary in 2018, and while proud of our many achievements, we know there is much more to accomplish. This year, we took on cutting-edge issues to protect rights, prevent abuse no matter where it occurs, continue to challenge barriers to services, and stop discrimination.

In response to new immigration policies, we investigated conditions in two of the largest detention facilities in the state and found these centers ill-equipped and unable to meet the medical and mental health needs of detainees. We also submitted comments opposing the proposed federal public charge rule that will make it more difficult for immigrants with disabilities to access needed services.

For decades, DRC challenged the use of restraint because of the risk of serious harm or death. During the 2018 legislative session, Gov. Jerry Brown signed our sponsored bill limiting the use of restraint and seclusion in schools absent an emergency. The bill also requires schools to report data about the use of seclusion and restraint. That's good news for students who have been restrained in the past and perhaps would have prevented the death of a student at a nonpublic California school at the end of the year.

We continued helping individuals access the services they need and end discrimination. Our work over the past year included assisting David Fazio in getting services from the Department of Rehabilitation so he could create a consulting company to help businesses become disability inclusive; filing a lawsuit to ensure that children with disabilities received access to the nursing services they need; and ensuring that Californians with disabilities could exercise their right to vote.

We know our work is more impactful because of our collaborations with you. We look forward to continuing to work with you to turn our advocacy into action and make a difference in the lives of people with disabilities.

## **TURNING ADVOCACY INTO ACTION... FOR PEOPLE IN FACILITIES**

### **Protecting the rights of immigration detainees with disabilities**

Sofia and her husband sought asylum in the United States due to persecution she faced in Russia. Her requests for medical care went unanswered when she experienced intense headaches. A review of her medical records revealed that mental health staff persisted with ill-fitting treatment recommendations, which included exercising and religious coping. Sofia had limited access to outdoor recreation time and was not religious. She reported worsening mental health, including suicidal thoughts. She finally reached the point of wanting to kill herself and attempted suicide.

Sofia's is just one of the many stories DRC heard as it investigated conditions in two of the largest immigration detention facilities in California – Adelanto Detention Center, a privately operated detention facility, and the Orange County Jail. We found these immigration detention centers ill-equipped and unable to meet the medical and mental health needs of detainees.

### **DRC continues investigating juvenile hall facilities**

We are working to improve treatment of youth with disabilities who are in juvenile halls. We investigated and released reports about several California juvenile halls in 2018.

DRC released a 50-page report after a six-month investigation into the treatment of youth with disabilities at Kern County juvenile facilities. DRC found abuse, neglect, and discrimination against youth with disabilities who were disproportionately subjected to pepper spray, restraints, and solitary confinement. DRC also found that the county failed to provide appropriate and adequate special education services and mental health treatment.

Based on the report and investigation, DRC and Disability Rights Advocates filed a lawsuit on behalf of three youth, alleging violations of various laws, including the Americans with Disabilities Act.

In response, the county and the superintendent of schools agreed to bring in several independent experts who assessed the county system and made powerful findings regarding the existing problems.

“As we begin settlement discussions, we are hopeful that the county and the superintendent will agree to follow the experts’ recommendations for reform and create significant and lasting change for detained youth in Kern County,” said Carly Munson, DRC litigation counsel.

A report on Fresno County Juvenile Justice Campus (JJC) recommends JJC officials adopt alternatives to using pepper spray and provide disability-related accommodations for incarcerated youth.

“Fresno County has a good special education program and adopted educational reforms that address challenges faced when a young person is released back into the community,” said Tifanei Ressler-Moyer, DRC attorney and lead author of the report. “But the system’s leadership must take the additional steps to protect youth with disabilities from discrimination and custodial practices that place them at risk of harm.”

In response to the recommendations, county officials are considering a database that identifies and monitors the needs of youth with disabilities.

## **TURNING ADVOCACY INTO ACTION ... FOR VOTERS WITH DISABILITIES**

### **Civil rights groups sue secretary of state over voting rights violations**

California Secretary of State Alex Padilla designated several state funded programs providing services to people with disabilities as Voter Registration Agencies (VRAs). This was in response to receiving a demand letter from DRC and the American Civil Liberties Union (ACLU) Foundation of Northern California.

VRAs are public assistance offices and state-funded programs that primarily provide services to people with disabilities. They must offer voter registration to applicants and clients at all of their offices.

DRC and the ACLU demanded increased access to voter registration services for low-income Californians and those with disabilities.

“Disability service programs that serve as voter registration agencies are crucial access points to our democracy for people who are blind, Deaf, or have other disabilities,” said Paul Spencer, DRC voting rights attorney.

Because of the letter, Padilla agreed to designate disabled student programs and services at community colleges, county In-Home Supportive Services offices and Department of Social Services Office of Services to the Blind as VRAs since they primarily serve people with disabilities.

We filed a lawsuit in July 2018 against the secretary of state because he did not designate the remaining five agencies, such as the Area Agencies on Aging and Local Education Agencies’ special education programs, that we requested in our demand letter. The lawsuit is ongoing.

## **TURNING ADVOCACY INTO ACTION... FOR INDIVIDUAL RIGHTS**

### **Woman advocates for emotional support animal in her new apartment**

Melissa was surprised to learn emotional support animals were not allowed in her new housing complex. She called DRC to find out her rights so she could advocate for herself. Suzi Bernais, short-term assistance advocate, explained her rights under federal and state law to have an emotional support animal. Afterward, Melissa requested a reasonable accommodation from her property owner. When the landlord did not grant her request, Melissa used what she learned from DRC to explain that emotional support animals are allowed even if the landlord has a no pets policy. “Because DRC helped me, I was able to explain my rights to the landlord,” Melissa said. She now has her emotional support animal, Penny, with her in her housing complex.

### **Patient finally feels heard by hospital staff**

Barry has been a patient at a state hospital since 2012. He uses a wheelchair for mobility and points to letters, numbers, and common phrases on a laminated piece of paper to communicate. The hospital considered Barry dangerous and wanted to medicate him involuntarily. Although he uses a wheelchair, staff claimed he ran down a hallway and pushed a patient in a wheelchair into a wall. The hospital also said he tried to bite staff members. To prepare for the hearing, the client wrote a statement describing how it was impossible for him to run down a hallway because he uses a wheelchair. He also wrote he has Tourette syndrome.

An advocate from DRC's California Office of Patients' Rights explained that doctors and staff misinterpreted behavior related to Tourette's as an attempt to bite them. The hearing panel decided the client was not dangerous and should have a right to make his own treatment decisions and not receive involuntary medication. Barry was happy with the outcome, indicating that for the first time he could communicate with his doctor and other staff.

## **TURNING ADVOCACY INTO ACTION... FOR CHILDREN AND YOUTH**

### **Class action settlement will improve the lives of children needing in-home nursing care**

Seven-year-old I.N. lives with her adoptive family. She has complicated, often life-threatening medical conditions that require in-home nursing. However, I.N. is receiving fewer nursing hours than her doctor prescribed and the Department of Health Care Services (DHCS) approved. Her family is barely staying afloat. Her mother believes the state should do more to help.

"I.N. is a happy, headstrong, joyous little girl. She is not the problem. The problem is the state's failure to provide our little girl with the services she needs," I.N.'s mother said.

To fix this problem, DRC filed a class action suit against DHCS and its director, Jennifer Kent, for failure to take steps to arrange for the in-home nursing services I.N. and others like her need to live safely with their families. After the judge rejected DHCS' efforts to dismiss the case, the parties agreed to settlement talks, which culminated in a settlement agreement that will ease the enormous strain faced by families who struggle to secure critical nursing care.

The agreement requires DHCS to work with contracted case management agencies to arrange for approved in-home nursing services for children who need them. DHCS will also monitor the case management services delivered by these agencies and establish an email address for families to seek help directly from DHCS.

"This settlement will help a lot of children obtain the nursing care all parties agree are medically necessary," said William Leiner, lead counsel with DRC.

The parties will ask the court to approve a plan to notify impacted families about the settlement agreement. The court will then decide whether to approve the agreement. The hearing on final approval is expected in spring or summer of 2019.

### **Governor signs DRC bill restricting restraint and seclusion in schools**

Gov. Jerry Brown signed a DRC-sponsored bill limiting the use of restraint and seclusion in schools. The bill (AB 2657), authored by Assembly member Dr. Shirley Weber, grants students the right to be free from the use of seclusion and behavioral restraints of any form imposed for coercion, discipline, convenience, or retaliation by staff.

Bonnie Candell is mother to a son who has autism. When he was 9 years old, he was restrained 92 times over 11 months to control his behavior at school. "Ending prone restraint as a behavior management or discipline method is the least we can do for children who need compassion and well-thought-out positive behavior supports," said Candell.

## **TURNING ADVOCACY INTO ACTION... FOR EMPLOYMENT**

### **DRC client helps businesses include people with disabilities**

David Fazio's warmth and tenacity propelled him forward after sustaining a brain injury at 13. He later had a stroke and had to learn to walk and talk all over again.

David got an idea to start a company called Helix Opportunity. It would provide development and consulting services to help businesses become disability inclusive. The Department of Rehabilitation (DOR) turned down David when he asked for help making his business plan a reality. He contacted DRC after trying to get assistance from DOR for nearly a decade. Sarah Isaacs, associate managing attorney, negotiated with DOR to obtain extensive start-up costs, including computer equipment, office essentials, training, and assistive technology.

"Sarah helped me feel empowered to work with DOR to make sure my voice was heard and my needs were met," David said.

He is fulfilling his dream of starting a business. DRC's board of directors honored David with a client recognition award.

### **Mason gets to keep his job**

Mason loves his job in food service at a popular restaurant. One day, Mason's manager put him on leave without a return date. Mason was the only employee put on leave and the only employee with a disability. Mason thought he was performing well because he was never reprimanded at work. Clients' Rights Advocates Sandy Farah and Vanessa Juarez worked with Mason and his job coach to protect his rights.

"Employees with disabilities have unique talents they can bring to the labor force but often get overlooked," Farah said. "Our advocacy can help employers recognize that talent and help our clients maintain their employment."

Farah and Juarez prepared Mason's job coach for a meeting with his manager, helped establish clear objectives for Mason, and reviewed potential reasonable accommodations for his employment. As a result, Mason returned to work. He, his job coach, and his manager created a job description and goals for him.

## **TURNING ADVOCACY INTO ACTION... TO HELP PEOPLE LIVE IN THE COMMUNITY**

### **Federal judge orders city of San Diego to stop ticketing homeless people living in vehicles**

A federal judge issued a preliminary injunction in August 2018 halting all ticketing and enforcement of a San Diego ordinance affecting homeless people, many with disabilities, who use their RVs or other vehicles as shelter.

DRC's class action lawsuit, Bloom et al. vs. City of San Diego, seeks to end the ticketing and impoundment of vehicles belonging to homeless people.

The court ruled San Diego's Vehicle Habitation Ordinance does not clearly state what is required to violate the ordinance. The court also found the city arbitrarily enforced the ordinance against homeless people.

"This is an important victory for many hundreds of people in San Diego who have been forced into homelessness due to the city's rising rents and whose only shelter is their vehicle," said Ann Menasche, DRC senior attorney and one of the attorneys on the case. The San Diego City Council voted to repeal the ordinance in February 2019.

## **DRC advocacy helps woman stay in her home**

Community living can be at risk when a misunderstanding occurs. Luckily, DRC can get involved and straighten out the confusion – and in the case of Ofelia Nunez, keep her from moving into a nursing home. Ofelia lived comfortably in her home with a service provider for 10 years. She considered the two of them as family. The state’s Community Care Licensing (CCL) decided she should move to a nursing home, stating the provider was operating an unlicensed facility and Ofelia required more care.

Her family contacted Ibrahim “Bebo” Saab, one of DRC’s clients’ rights advocates. He worked closely with the regional center to explain to CCL that the Lanterman Act allows Ofelia to receive supported living services in her own home even if she has a significant disability or needs help taking medications. CCL listened, realized it was wrong, and allowed Ofelia to stay in her home. “I enjoyed working with Ofelia,” said Saab. “She was very clear about where she wanted to live and considered her care providers to be extended family.”

DRC honored her and her family with a client recognition award. Ofelia passed away earlier this year. Her family proudly accepted the award at DRC’s September board meeting. “Bebo was a lifesaver to my aunt,” said niece Deanna Crawford. “We were so happy she could stay where she wanted to live.”

## **DRC reaches out to Deaf Latinx**

DRC’s Multicultural Affairs Unit hosted a Symposium for the Latinx Deaf Community in Los Angeles. DRC collaborated with California Council del Corazon and Deaf Latinos y Familias to spread the word about the event. This conference for Deaf Latinx offered multiple trainings and resources by DRC staff in Spanish and American Sign Language. For example, Multicultural Affairs Advocate Callie Frye provided a training on the Americans with Disabilities Act. Frye and Client Assistance Advocate Mary Rios, conducted a training on clients’ rights related to Department of Rehabilitation services. The event featured Tactile, Pro-tactile certified Deaf



interpreters, and 10 trilingual interpreters fluent in ASL, English and Spanish to ensure the conference was accessible to everyone.

## **DRC celebrates its 40th anniversary, honoring those who protect disability rights**

DRC has passionately advocated for the rights of Californians with disabilities since 1978. We recognized this accomplishment by featuring online the stories of individuals and groups DRC has helped over the years.

We ended our yearlong 40th anniversary celebration by honoring individuals and organizations whose work has helped DRC protect and advance disability rights.

Guests gathered at California's state capitol to celebrate DRC's many accomplishments and to honor individuals who were critical to our success.

Former Sen. Dr. Bill Emmerson and Assemblymember Dr. Shirley Weber received Impact Awards. Emmerson was recognized for authoring SB 468, which created California's self-determination law. DRC Executive Director Catherine Blakemore, DRC board members Judy Mark and David Oster, Connie and Dr. Harvey Lapin, April Lopez, Marni and Dr. Mike Clark, and Allen Erenbaum supported the passage of SB 468.

Weber was honored for authoring AB 2657, which limits the use of restraint and seclusion in California schools. Bonnie Candell, Laura Miller, Ken Berrick, Dr. Edward Miguel and Dr. Melaura Tomaino helped secure the passage of AB 2657. The bill became law Jan. 1, 2019.

DRC honored former board President Allison Brightman with its Leadership Award for her commitment to equal opportunity for Californians with disabilities.

Legislative Achievement Awards were given to Sen. Jim Beall and Assemblymember Dr. Joaquin Arambula for protecting the basic human rights of people with disabilities.

Law firms Cooley and Morgan Lewis received Pro Bono Partner Awards for helping DRC obtain justice and systemic changes for our clients.

The Access Award went to Digital Deployment for redesigning DRC's website with the highest levels of accessibility.

## **THANK YOU to our 40th Anniversary Donors**

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### **DRC Fast Facts**

IN FISCAL YEAR 2018, DRC STAFF OBTAINED \$10 MILLION IN ECONOMIC BENEFIT FOR CLIENTS.

OUR STAFF SERVED 26,000+ INDIVIDUALS AND OUR STAFF DEVELOPED, UPDATED, OR REVISED 53 PUBLICATIONS (38 TRANSLATED INTO AT LEAST ONE OTHER LANGUAGE).

DRC IMPACTED MILLIONS MORE THROUGH OUR SYSTEMIC LITIGATION.

DRC STAFF CONDUCTED 1,771 OUTREACHES & TRAININGS, IMPACTING 51,000+ PEOPLE.

### **2018 AT A GLANCE**

#### **DISABILITY RIGHTS CALIFORNIA STATEMENT OF ACTIVITIES**

Fiscal Year Ended Sept. 30, 2018

#### **REVENUE AND SUPPORT**

Federal Government \$12,335,450

State of California 9,021,014

California State Bar 3,443,244

Program Income/

Attorney Fees 1,560,357

Miscellaneous Income

and Interest Income 212,446

Donations 43,122

TOTAL REVENUE \$26,615,633

EXPENSES

Program Services \$23,267,287

General and Administrative 2,774,487

TOTAL EXPENSES \$26,041,774

CHANGE IN NET ASSETS \$573,859