

Disability Rights California 2019 Annual Report

Advancing Justice, Creating Change, and Making an Impact

Mission

Disability Rights California advocates, educates, investigates, and litigates to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.

Vision

We envision a barrier-free, inclusive, diverse world that values each individual and their voice. In this world, all people with disabilities enjoy the power of equal rights and opportunities; freedom from abuse, neglect, and discrimination; dignity; and respect for their choices based on their own goals and values.

Message from DRC Leadership

Dear Friends and Supporters,

Our 2019 work focused on protecting disability civil rights, particularly for disability communities who are most vulnerable to abuse and neglect. We are proud of this work and its impact on fostering a more just world with equal opportunity for all.

This year, we took on cutting-edge issues to ensure that individuals with disabilities in jails and juvenile facilities had access to mental health services, better health care, and disability accommodations. We monitored detention facilities to end abusive practices and ensure access to needed disability services. Our legal and legislative work protected rights of disabled individuals who are homeless and supported an additional \$2 billion increase in housing and supportive services for homeless individuals.

The year also brought changes to DRC with the hiring of a new Executive Director, Andrew Imparato, who started in 2020. Catherine Blakemore, DRC's outgoing Executive Director, says, "It has been an extraordinary privilege to serve as DRC's Executive Director for more than 25 years. DRC is an incredibly strong and effective organization, and I know that with

Andy's leadership, DRC will continue to achieve great outcomes for Californians with disabilities in the decades ahead."

Imparato joins DRC after a high impact 26-year career working inside and outside government in significant leadership positions. Imparato brings 17 years of experience as the CEO of two different national disability organizations, 5 years staffing Senator Tom Harkin on disability policy, and personal lived experience with bipolar disorder. Andy's commitment and vision for DRC's future include "championing and modeling diversity, equity and inclusion and defining a future for disability rights advocacy that extends the reach and impact of the disability rights movement in California, the United States and globally."

Thank you for supporting our work in advancing justice, creating change, and making an impact!

Catherine Blakemore, Executive Director

Andrew J. Imparato, Executive Director

2019 Fast Facts

In Fiscal Year 2019, DRC Staff Obtained \$3.8 Million+ in Economic Benefits for Clients.

Our Staff Served 24,000+ Individuals.

Our Staff Developed, Updated, or Revised 42 Publications.

Impacted 2,000,000+ More Through our Systematic Litigation.

DRC Staff Conducted 1,973 Outreach and Trainings.

Impacted 52,000+ People Through Outreaches.

We Closely Analyzed 422 Bills Directly Impacting Persons with Disabilities.

We Took Positions on 184 bills and Sponsored 13 bills.

Community Outreach

Improve Interactions Between Law Enforcement and People with Disabilities

DRC staff provided a training seminar to the Sacramento Police Department to promote awareness and improve interactions between law enforcement and people with disabilities.

The training was important since the Sacramento Police Department responds to many calls involving individuals, family members, and caregivers from various disability communities.

The policy department staff appreciated the training and expressed interest in receiving more training in the future.

The training included information about:

- Interacting with people with developmental disabilities including the impact of loud noises, sirens, and light to people who have Autism;
- Information about what a person with a mental health disability may be experiencing when the officers engage with them;
- Information about DRC;
- Local resources and alternatives to taking someone to jail; and
- Working with individuals from the Deaf community, and how to sign common law enforcement statements such as: “you’re getting a warning,” “you’re under arrest” and “get out of the car.”

Mental Health

Peer Self-Advocacy Staff Teach How to Challenge Conservatorship

Our peer self-advocacy (PSA) staff provided training and facilitated discussions about conservatorships, and the steps individuals can take to show they no longer need a conservator. Many individuals conserved under the Lanterman Petris Short (LPS) Act live in a locked facility and have a public guardian appointed to make decisions for them.

Many group members did not know who can be designated as their conservator, or that they can live in the community even if they have a conservator. Other members did not believe they needed to be on conservatorship, and others had difficulty getting off a conservatorship, even though their treatment team agreed they no longer need to be conserved.

During this training, DRC staff helped group members develop action plans to show how they were not “gravely disabled.” They also learned how “third party assistance” from a family member or support person could show how they could live in the community with help from a family member or support

person rather than a conservator.

Closing out the discussion, group members thought of who they would prefer to assist them. Denise realized she preferred her brother or daughter to provide her with third-party assistance rather than have her sister continue as her conservator. Denise was happy to know that without a conservator, she would have the rights to make decisions with the support of her brother or daughter.

Policy Work

Several bills introduced in legislature to make it easier to involuntarily hold individuals were defeated.

DRC legislative advocates defeated most of these efforts by continuing to advocate for mental health and substance abuse treatment, full-service partnerships, and transitional and supported housing instead of locked facilities. DRC legislative advocates oppose efforts to expand the use of conservatorships.

Abuse & Neglect

DRC Assists Deaf Individual with Her Representative Payee to Ensure She Receives the Services She Needs

Julie, a Deaf individual, called DRC for support when the facility she lives in and whose staff acts as her representative payee denied her request for ASL interpreters. Julie was already struggling to communicate her basic needs due to facility staff only speaking with her in English, not ASL.

When rejecting her request for ASL interpreters, the facility program staff said, "They just know what she needs." Instead of accepting her request, they offered her a Video Remote Interpreting (VRI) device; however, when Julie used the VRI she was unable to understand the interpreters on the screen.

Frustrated with the situation, Julie reached out to DRC. DRC advocacy staff told her about her right to an interpreter as an accommodation under the Americans with Disabilities Act (ADA). DRC attorneys are still working with Julie to ensure she receives the interpreter services she needs to communicate.

Individuals in Facilities

DRC Wins Minimum Wage for People on Civil Commitments in State Hospitals

DRC received numerous complaints from state hospital residents stating they were not receiving minimum wage for work they did. At one facility, residents were being paid \$1/hour to clean bathrooms, do laundry, and mop the hallways.

After negotiations with the Department of State Hospitals (DSH) over their inconsistent and unfair wage and hour policies, DSH agreed to put forward a budget proposal that would pay all residents of DSH facilities, except those who are under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR), or in a sheltered workshop, the federal minimum wage of \$7.25.

This proposal was included in the state budget signed into law by Governor Newsom.

Policy Work

DRC legislative advocates helped ensure that the 2019 state budget included funding for workers in Napa State Hospital to eliminate the abusive practice of paying subminimum wages and by allowing the workers to keep those wages to help them reenter into the community. While the payment of subminimum wage to persons with disabilities only because of their disabilities continues to be a practice in the state, this represents a positive step toward fully eliminating an outdated and unnecessary practice.

DRC and Co-Counsel Settle Class Action Lawsuit to Ensure Better Treatment of People with Disabilities

On behalf of the nearly 3,700 people incarcerated in Sacramento County's jails, Disability Rights California, Prison Law Office, and Cooley LLP obtained final federal court approval of a settlement with the County to address the dangerous and unconstitutional conditions of the County's jails.

The lawsuit alleged that Sacramento County failed to provide required mental health and medical care to people in the jail, employed harsh and extreme forms of solitary confinement, failed to implement suicide prevention measures, and discriminated against people with disabilities.

Under the settlement agreement, the County is required to:

- Expand mental health services;
- Revamp medical care system;
- Implement improved suicide prevention measures;
- Ensure people with disabilities have the accommodations they need and can access jail programs and services; and
- Consider measures to reduce the jail population and prevent the unnecessary or avoidable incarceration of individuals with serious mental illness.

The County will be subject to the consent decree and monitoring for at least five years. The Sheriff's Department has begun to take steps to improve conditions in the jails, including developing an Intensive Outpatient Program to provide expanded mental health care programming to people with serious mental illness, and by ending the placement of people in psychiatric crisis in inappropriate "multipurpose rooms."

"To comply with the court-ordered Consent Decree, the County must allocate resources to make long-overdue facility improvements and staffing adjustments to ensure that people in the jail get the care and treatment they need," said Aaron Fischer, litigation counsel at Disability Rights California.

"In equal measure, smart and safe reductions in the jail population are a critical part of the solution."

The Detention of Immigrant Children with Disabilities

DRC undertook a nearly year-long monitoring of the detention of immigrant children, with immigrant children with disabilities placed in nine Office of Refugee Resettlement (ORR) grantee facilities across the state of California and published its findings and recommendations.

These nine ORR grantee facilities and programs have approximately 300 beds for unaccompanied children, many of whom have experienced trauma, symptoms of post-traumatic stress disorder, and other mental health disabilities. Some children also have physical, sensory, and other disabilities.

DRC staff attorneys interviewed 150 children who told us about the use of pepper spray, isolation from the outside world, abrupt early morning wake-

up calls mere minutes or hours before they were placed on airplanes or in cars with no indication where they were headed, and limited phone interaction with family.

This report identifies conditions that are harmful to children with disabilities and the need for additional services, including:

- ORR does not provide children in its care with appropriate and necessary special education services.
- ORR assessments and services fall short as compared to California state standards.
- Children with disabilities are disproportionately housed in ORR's most restrictive placement settings.

“Children with disabilities can be disproportionately affected by detention conditions as their disabilities may go unidentified or they may not receive proper treatment, leading to dire consequences in their immigration cases and lives,” says Richard Diaz, staff attorney, DRC.

Individual Rights

DRC Patients' Rights Advocate Assists Blind Resident get an Accommodation

A blind resident who lived in a state institution reached out to DRC's patients' rights advocates when she was not getting items from her “canteen” unless she signed a document that confirmed she received the order. She expressed discomfort with signing something she could not see but was told that this was the procedure, and unless she signed the document, she would not receive her purchases.

To address the resident's concerns, the advocate contacted the Program Director of the Unit where she lived and explained that it was unnecessary to have a resident sign something they could not read and did not provide the resident with a reasonable ADA accommodation.

The Program Director agreed with the advocate's assessment and instructed staff to allow the resident to review the items ordered and verbally confirm her approval.

The resident is happy that she is able to get the accommodations she needs and in the way that she communicates.

Healthcare

DRC Negotiates Change in Discriminatory Policy Ensuring the Availability of Power Wheelchairs for Individuals in Nursing Facilities

Bruce is a 61-year-old with quadriplegia from a spinal cord injury that occurred during a bicycle accident. He currently lives in a nursing facility where he requested a power chair. The Department of Health Care Services' (DHCS) denied the power chair because its policies said that individuals in nursing facilities did not have the same rights to independence as individuals who live in the community. DHCS took this position because Bruce lives in a facility, and staff could push him to get him where he needs to go.

Bruce contacted DRC to discuss his rights and determine how he could get a power wheelchair. DRC wrote a demand letter and successfully negotiated with DHCS for the approval of Bruce's customized power wheelchair. DHCS also agreed to update its policies so that other Medi-Cal recipients living in nursing facilities could get power chairs, and review other requests denied back to January 1, 2018. Moving forward, DRC will review these policy updates and negotiate with DHCS to ensure that any policy updates comply with federal and state law.

After receiving his power wheelchair, Bruce is thrilled with his newfound independence that allows him to navigate throughout the facility, attend facility activities of his choosing, and leave the facility independently.

Policy Work

Governor signs DRC cosponsored bills to expand and stabilize Medi-Cal eligibility

Governor Gavin Newsom signed two bills cosponsored by DRC to improve access to Medi-Cal benefits for individuals who receive the benefits through the Aged and Disabled Program and others who receive both Medi-Cal and Medicare benefits. SB 78 (Sen. Budget) now ensures that low-income seniors and persons with disabilities are not forced to bear additional health care costs because of an outmoded eligibility standard resulting in nearly \$125 million benefit expansion. He also signed AB 1088 (Wood), which will stop persons with disabilities and seniors from being bounced between health programs resulting in higher health costs.

DRC Helps James and Charles get In-Home Supportive Services (IHSS)

James and Charles are brothers who live with their foster parents, and both require individual supervision throughout the day, as they cannot eat, bathe, or dress independently. The county IHSS program denied them both protective supervision, stating that foster care benefits were an alternative resource. Their foster parents reached out to DRC, who advocated on their behalf.

The county agreed to conduct an initial assessment with the effective date of services going back to the initial application. DRC requested and reviewed the brother's records, drafted evidence packets for them, and represented them at their assessments.

After the assessment, the county then authorized James 283 hours per month and Charles 275 hours per month of IHSS.

Housing & Homelessness

DRC Stops Eviction of 84-year-old Model Tenant

Tanya is an 84-year-old woman with physical disabilities living in a low-income apartment unit whose landlord had served her a 60 Day Notice to vacate. The landlord said they were evicting her because they believed Tanya needed full-time, 24-hour care, and was unable to live on her own. Facing this discrimination, Tanya reached out to DRC for support.

DRC sent letters to the landlord requesting that Tanya remain in her unit as a reasonable accommodation and filed a discrimination complaint with the Department of Fair Employment and Housing (DFEH). DRC contacted the Los Angeles Housing Department because Tanya's landlord had been overcharging her rent. The Housing Department then launched an investigation and determined that the landlord owed Tanya a refund for overcharges.

DRC appeared in court two times before the trial date. On the first day of trial, the landlord finally agreed to dismiss the case and allow Tanya to remain in her unit. DRC also helped Tanya get the back rent she was entitled to from her landlord.

Policy Work

In the 2019 legislative year, DRC joined with advocates throughout the state to pass a landmark bill, AB 1482 (Chiu), that protects tenants against price-gouging by establishing a statewide cap on rent increases and requiring “just cause” for evictions. These new laws will provide protections for low-income renters throughout the state, many who are persons with disabilities, and assist them in staying in their neighborhoods and communities.

Education

Client Obtains Support to Become a Psychologist

Lilia is a client of the Department of Rehabilitation (DOR) with a visual impairment who wanted DOR support in becoming a psychologist. She successfully self-advocated to obtain various assistive technology items and services from DOR. However, DOR would not agree to develop an Individualized Plan for Employment (IPE) to become a psychologist, instead encouraging her to become a mental health counselor, which did not require funding for a Ph.D.

DRC represented Lilia, and after negotiations, DOR agreed to develop an IPE with funding for pre-requisite classes, preparation courses for the Graduate Records Examination (GRE), transportation, and additional assistive technology assessments. They also agreed to fund a Ph.D. program at her preferred private school.

Lilia is currently taking community mobility training and learning independent living skills. She is excited about the future and to share her unique talents in a field that helps people.

Children & Youth

Early Start Day Care Provider Rescinds Decision to Deny On-Site Therapies to Child with Disability

Penny is a 2-year-old girl with Autism Spectrum Disorder, a speech and language disability, and delays in fine and gross motor development. She receives early start services at a child care program funded by her regional center.

She needs occupational therapy and speech and language therapy. However, her child care program would not allow the therapy sessions as part of her program.

Since Penny was not getting the services she needed, Penny's mom reached out to DRC for assistance. DRC represented Penny in negotiations with the child care provider, asserting that they failed to consider reasonable accommodations that would allow her to receive on-site therapy.

The child care provider ultimately agreed that Penny could receive the therapy she needs while at her program, and agreed to implement a process for children with disabilities to request needed accommodations in the future.

Policy Work

DD budget advocacy results in important Intellectual Development Disorder (IDD) system reforms

The 2019-20 budget signed by the Governor included numerous provisions advanced by DRC that requires greater transparency of the regional center services by expanding the types of purchase of service guidelines that are made available on each regional center's websites, supporting and expanding lower service coordinator caseloads for clients in crisis caseloads, and supporting the expansion of children's crisis homes for children, and ensuring clear guidelines regarding the use of restraints in those homes. DRC also worked to ensure that regional center clients living in restrictive community facilities can receive the services and supports they need to thrive in less restrictive homes in their community.

DRC Helps Student with Down Syndrome Gain Equal Access to Music Education

Leo is a 13-year-old Hispanic student with Down syndrome who has a deep passion for music. He plays the guitar first thing every morning and aspires to learn how to play the trumpet. His mother has advocated for him to participate in music activities at school with his non-disabled peers and this was reflected in his IEP (Individualized Education Program). However, she soon realized he was only attending part of his music class in school.

Leo's mother realized this when Leo arrived at the year-end music production, did not have a chair on stage, and had to sit on the floor. When

his mother asked the director, she learned that Leo had been missing part of each music class for the entire year because students in his special day class (SDC) were required to leave school early to board the bus, so he had not been participating in preparations for the year-end performance.

Leo and his family felt this was discriminatory and contacted DRC. DRC helped Leo challenge this exclusion and reached an agreement with the District to provide Leo compensatory music lessons, worked with his IEP team, and required changes to District policy so Leo and other students could participate in the full school day including extracurricular activities. DRC also attended Leo's IEP meeting and successfully advocated for more inclusion opportunities, including his participation in student council and yearbook committee.

Voting

DRC Conducts Poll Monitoring Project During Los Angeles (LA) County's 2-day Mock Election

To prepare for the upcoming 2020 election, Los Angeles County initiated a two-day mock election to test their new voting equipment and vote centers. Since 1 in 4 voters with a disability lives in this County, DRC decided to monitor, gather feedback, and gauge accessibility during the mock election.

DRC partnered with Asian Americans Advancing Justice to:

- Recruit and train volunteers to assist at the numerous locations;
- Monitor the vote centers to observe the set-up, check-in, and the voting process; and
- Collect voter feedback on their voting experience through surveys that were translated into Chinese, Korean, Tagalog, and Spanish.

Some of the findings from the project included: poor placement of the ballot marking devices (BMD) impacting accessibility and privacy, inadequate vote center signage, and voters suggesting improved instructions on how to use the BMD.

DRC created and sent a report of the findings to LA County to help the County to make improvements and will follow-up to ensure that changes were made to ensure an accessible voting process for everyone.

2019 Financials

Fiscal year ended Sept. 30, 2019

Revenue and Support

Federal Government \$13,310,755

State of California 9,528,565

California State Bar 4,262,079

Program/Income Attorney Fees 1,965,263

Miscellaneous Income and Interest Income 670,300

Donations 65,409

Total Revenue \$29,802,371

Expenses

Program Services \$25,386,226

General and Administrative 3,199,555

Total Expenses \$28,585,781

Change in Net Assets \$1,216,590

2019 Board of Directors

The Board of Directors guides DRC and helps us create and live up to our mission & vision. We actively recruit and elect board members who are or have been a person with a disability or family member of a person with a disability. Our Board represents the people we serve, reflecting California's socioeconomic, ethnic, geographic, and disability diversity.

Members

Charles Ehrlich (President), Ralph Black, Lorraine Casto, Donna Duarte, Elizabeth Barrios Gomez, James Janz (CFO), Imari Nuyen-Kariotis, Scott Keller, Richard Krzyzanowski, Deaka McClain, David Oster, Hector Ramirez, Jennifer Restle, Pam Romaro, Tony Sauer, Sandra Smith (Secretary), Jeffrey Thom (Chair), Yolanda Vargas

2019 Pro Bono Partners

Thank you to our Pro Bono Counsel, Legal Aid Partners & Volunteers

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www.disabilityrightsca.org/2019-annual-report