

Advocacy Report

January 2021 - June 2021

All names have been changed to preserve confidentiality.

BENEFITS – CCS

Molly Gets Nursing Services.

Molly's mother needed help appealing a denial of continued nursing services from California Children's Services (CCS). Molly had received CCS-funded private duty nursing care for over eight years. OCRA represented Molly at an administrative hearing. Initially, the judge sided with CCS and issued an order against Molly. However, the state Department of Health Care Services rejected the proposed hearing order and sent the case back to State Hearings Division for review. OCRA submitted a brief and argued for Molly's right to receive private duty nursing care in her home. The Chief Administrative Law Judge agreed with OCRA's argument and reversed the denial. The judge granted Molly's appeal and ordered CCS to provide 182 hours per month of nursing services, which allowed Molly to stay safely in her home.

BENEFITS – IHSS

IHSS Restores Workweek Hours Exemption.

Dillon and John live in their family home with their mother, who is their IHSS provider. IHSS approved a provider exemption of workweek hours. After the exemption expired, the county IHSS social worker sent a notice of a workweek hour violation. The social worker also sent IHSS forms for Dillon and John's mother to complete and submit. She contacted OCRA for help. OCRA assisted her with completing and submitting the new IHSS exemption request and the violation forms. OCRA also helped contact the county IHSS office, which confirmed she had no workweek hour violations. The IHSS office also confirmed it will help her fill out exemption request forms at least two months before an exemption ends. Dillon and John will continue to receive the IHSS service hours they need.

Alan Obtains 195 Hours of Protective Supervision.

Alan is a 20-year-old who lives with his family. He needed more help at home, so his family asked for more IHSS hours. IHSS denied the request. Alan needed a higher level of care, especially during the COVID-19 pandemic. OCRA sorted through several contradictory notices, advocated for Alan during many calls with IHSS, advised on records needed to help his appeal, and gave technical assistance to Alan and his family about evidence for the hearing. OCRA also helped Alan and his family understand what to expect during the hearing, empowering them with knowledge and self-advocacy skills. After preparing with OCRA, Alan and his family attended their hearing and won. Alan now receives 195 hours per month of protective supervision, including hours dating back to when IHSS first denied his request.

BENEFITS – MEDI-CAL

Regina is Awarded Nursing Hours to Help Live at Home.

Regina has many medical needs that require nursing care. She received nursing care from multiple agencies, which helped her to be more independent. Then her insurance coverage changed, causing a loss of nursing hours. Regina needed additional nursing hours and was worried about how or where to get them. OCRA helped Regina's mother to contact the nursing agency and request a nursing assessment and more nursing hours. Regina was awarded the extra nursing hours she needed, totaling 600 per month. Regina continues to have her nursing care and support needs met.

Addison Gets Medi-Cal Eligibility.

Addison's parents applied for Medi-Cal for her, but the County denied her application. Addison's parents believed the County based the denial on their income, and asked for a hearing. OCRA reviewed the notice of action and determined that the County denied Addison's application because it did not have all the required documentation. OCRA suggested contacting the County Medi-Cal office and providing the missing information. Once Addison's parents submitted that information, the County approved

Addison's application for Medi-Cal benefits and there is no need for a hearing.

BENEFITS – SSDI

Devon's SSDI is Reinstated and His Overpayment is Cleared.

Devon is a man with Down syndrome who loves his job. He receives Social Security Disability Insurance (SSDI) benefits. One day, he received notice from Social Security that his disability had ended and he had an overpayment of \$22,130. Devon and his parents asked OCRA for help. OCRA explained the appeals process and subsidy, which is where an employer gives an employee extra help and fewer job duties, but pays the same as an employee who does not get extra help and performs all the job duties. OCRA advised Devon to file an appeal and then spoke with his supervisor and job coach. OCRA explained subsidies to them as well, and asked Devon's supervisor to complete form SSA-3033, which documents an employee's subsidies and extra help. OCRA submitted the form to Social Security. Once Social Security completed its review of Devon's appeal and subsidies, it decided his disability is continuing. Social Security reinstated his SSDI benefits and cleared the \$22,130 overpayment from his record.

Jackson's SSDI Starts Again and He Receives a Large Payment.

Jackson called OCRA because his SSDI benefit was terminated. Although Jackson enjoyed working, he became ill four years ago and could not work since then. During a review, Social Security determined that Jackson was no longer disabled. They also assessed an overpayment of over \$37,000. SSDI was Jackson's sole source of income and he relied on loans from family members for support for almost a year. OCRA evaluated Jackson's case by reviewing paystubs from two different employers and contacting SSA to request information about his work record. SSA was missing subsidy information from Jackson's most recent employer. OCRA contacted Jackson's last supervisor to get subsidy information, provided paystubs and subsidy information to Social Security, and requested it reopen Jackson's SSDI case. OCRA also contacted Jackson's previous representative payee (a regional center vendor), his service coordinator, and an Area Work Incentives Coordinator to help reappoint his

representative payee. Social Security reinstated Jackson's monthly benefit, eliminated the overpayment, and gave Jackson a lump sum payment of \$9,000.

BENEFITS – SSI

Alex's SSI Benefits Termination is Reversed.

Social Security terminated Alex's SSI benefits because medical evidence suggested his health had improved. As a monolingual Spanish-speaker, Alex's mother had trouble understanding Social Security's letters. OCRA helped Alex's mother determine which documents would help prove Alex's disability was ongoing and had not improved. OCRA helped Alex's mother file an appeal. Shortly after filing the appeal, Social Security reinstated Alex's SSI benefits.

Social Security Incorrectly Says Client is Overpaid SSI Because of Stimulus Check Money.

David's Independent Living Services (ILS) staff called OCRA because he got a notice from Social Security saying he was over-resourced and had an SSI overpayment. OCRA reviewed David's SSI overpayment notice and bank statements. The month after David got a stimulus check, he had over \$2000 in his bank account. Social Security said that he was over-resourced and should not have gotten SSI benefits. OCRA reviewed Social Security rules about stimulus checks and SSI benefits. The rules said to exclude stimulus payments from countable resources for 2 months following the month of receipt. OCRA filed an appeal on David's behalf. Social Security reviewed the appeal and agreed that it had not overpaid David, since it had incorrectly counted his stimulus check as a resource. David was relieved to no longer have an SSI overpayment.

Social Security Waives Overpayment Incurred During COVID-19 Pandemic.

Daniel's family received notice he had an SSI overpayment during the COVID-19 pandemic and called OCRA for help. Daniel is a minor and his SSI amount depends on his parent's income, how many siblings he has, and if any of the siblings have disabilities. OCRA reviewed the parent's income. The income information in the SSA overpayment notice did not

match the parent's paystubs. The family could not report their income to SSA during the COVID-19 pandemic because the local SSA office was closed. OCRA helped the family file an appeal and agreed to represent Daniel at his informal conference with SSA. At the informal conference, OCRA explained to Social Security that its own directive says some overpayments incurred during COVID-19 can be waived. OCRA asked SSA to apply the directive to Daniel's case and waive the overpayment. SSA explained that because of the pandemic, their office had not applied all the parent's income on time and made estimates for their wages, which resulted in the overpayment. Since this was not the family's fault and some overpayments that originated during the pandemic can be waived, SSA agreed to waive the entire overpayment.

OCRA Helps Carl Restore His SSI Benefit Amount.

Carl is a minor child who had been receiving SSI at the maximum child rate for several years. His father became disabled and began receiving SSDI benefits. Carl and his brother each started receiving \$348 per month from their father's SSDI. Carl received a notice from SSI saying that his SSI was reduced to just \$2 per month because of the SSDI. OCRA checked the SSI deeming rules and found that Carl should be receiving \$379 per month from SSI along with his \$348 from SSDI. OCRA filed an appeal on Carl's behalf and attended an informal conference with Social Security. OCRA explained why Carl should be receiving \$379 from SSI, based on the deeming rules for a two-parent household with two minor children. The Social Security representative agreed and said Carl's SSI benefit would increase to \$379 per month. Carl will also receive retroactive benefits for the months his SSI benefits were mistakenly reduced.

Victor Receives \$47,000 Underpayment and Does Not Have to Pay Back \$27,000.

Victor received notice he was overpaid \$27,000 in SSI benefits because he was receiving \$1,300 per month from a civil law suit settlement. His representative payee did not report the \$1,300 of unearned income, and because it was more than the maximum monthly SSI benefit, his SSI was terminated. OCRA advised his representative payee to file an appeal requesting an informal meeting with an SSI representative. OCRA reviewed Victor's information and prepared a case statement for the

informal meeting with SSI. At the informal meeting, OCRA explained there should not be an overpayment because Social Security should have determined Victor's eligibility for Disabled Adult Child (DAC) benefits when his father retired in 2001. If Victor was receiving DAC benefits when his civil suit settled in 2002, the \$1,300 each month would not have impacted his DAC benefit, since DAC is not a needs-based benefit like SSI. Social Security determined Victor was eligible for DAC benefits from his father's record starting in 2001. His DAC benefit would be \$1,113 per month. Because the benefit was retroactive, minus the SSI benefits he was already paid, Social Security owed him an underpayment of \$47,000 from 2001 to 2020. Since the DAC program does not reduce the benefit because of Victor's monthly settlement payment, his overpayment was cleared. Because of OCRA, he went from owing \$27,000 to owing nothing, and gaining \$47,000 in back-payment of benefits. Also, he started getting Medicare coverage linked to the DAC benefit.

Garnet's SSI Overpayment is Eliminated.

Garnet's representative payee called OCRA because Social Security issued a \$6,000 overpayment. The deadline for appeal was near, so OCRA advised Garnet to immediately file an appeal. OCRA reviewed the case and confirmed Social Security had caused the overpayment. It had mistakenly paid Garnet the SSI rate for people who live in facilities, every month for over two years. OCRA agreed to represent Garnet. During the informal conference with Social Security, OCRA proved that Garnet had complied with all reporting requirements and never lived in a facility. OCRA also argued it was Social Security's duty to follow their procedures and confirm whether clients are living in facilities. Social Security confirmed it did not follow its procedures, and erased the overpayment.

HOUSING

OCRA Helps Client Obtain Reasonable Modification.

Nancy lives independently. Because of her disability, she needed an accessible apartment unit. However, because of her income, she could not afford the extra \$300 a month for the accessible unit. Nancy contacted OCRA because her landlord refused to allow her to install grab bars in her bathroom, since it's not an accessible unit. OCRA sent a letter to her

property manager advising them of the law on reasonable modifications and requesting they provide Nancy with the requested modification of allowing her to install the grab bars at her expense. Following OCRA's intervention, the property manager approved Nancy's request to install grab bars in the bathroom.

OUTREACH AND TRAINING

Self-Advocates Learn How to Prepare for Emergencies During a Pandemic.

Members of the Statewide Self-Advocacy Network (SSAN) were eager to learn about how to prepare for different emergencies. Scott Barron, OCRA's Peer Advocate, collaborated with Julie Eby-McKenzie from the State Council on Developmental Disabilities, to present a fun and interactive training about useful information to have during a pandemic. All 58 participants learned how to create an emergency kit and an individualized evacuation plan. Scott and Julie also used interesting videos to show how to apply the information from the written materials. For example, one video gave instructions about how to save and access their emergency contacts in their phones to share with emergency personnel, if necessary. At the end of the training, everyone was thrilled to learn they would each receive their own comprehensive emergency kit from the Red Cross. The emergency preparedness training showed that learning is fun.

PERSONAL AUTONOMY

Sara Maintains Her Right to Personal Possessions.

Sara's care home was concerned she might use her computer or cell phone to give her address to "random men" on the internet and then engage in sexual activities with them. Her care home staff felt she needed to be protected by denying her right to access her own laptop and phone. OCRA attended a denial of rights meeting with Sara and her staff. The team discussed how Sara may use her laptop to give her address to dates so they could pick her up. OCRA affirmed Sara's right to make her own decisions, have sexual relationships with others, and continue to use her electronic devices. OCRA opposed the care home's request to deny Sara

her laptop and phone for the purpose of preventing her from socializing. The team will explore less restrictive options.

Kimberly Can Apply for a California Identification Card.

Kimberly needed to get a California identification card, but she did not have the necessary documents, such as a birth certificate. Kimberly and her aunt tried to get an official copy of her birth certificate, but were unsuccessful. Kimberly was born in another state and was in foster care until she moved in with her aunt when she was five years old. The foster home had none of Kimberly's records. Kimberly and her Independent Living Services staff asked OCRA for help getting an official copy of her birth certificate. OCRA researched the state's regulations and applied to the county where Kimberly was born. After several weeks, OCRA received Kimberly's official birth certificate. Kimberly now has the documents she needs to apply for a California identification card.

Noah Avoids Conservatorship.

Noah was about to turn 18 and transition from high school to community life with regional center services. Noah's parents were concerned about his ability to make decisions about his continuing education and medical needs. Many people told his parents they should conserve Noah. OCRA advised Noah and his parents about alternatives to conservatorship, such as assigning educational decision-making rights and advance health care directives. OCRA assisted Noah with completing both documents shortly after his 18th birthday. Noah avoided conservatorship and chose to have support making important decisions.

OCRA Helps Clients Access the Community After COVID-19 Restrictions are Lifted.

When attending a client meeting, OCRA learned that a group home was not allowing any residents to go into stores. The group home required residents to wait in the care while staff went into stores. The group home said it was not allowing clients into the community because of COVID-19 restrictions. OCRA learned that all residents of the home received the COVID-19 vaccine, then reviewed local safety rules during the pandemic. OCRA worked with the regional center to explain to the group home that

residents have the right to access the community and could not be restricted from going into stores if they stayed socially distant and wore a mask. The home understood and immediately changed the practice. Residents at the group home can now go on community outings and shop at stores.

REGIONAL CENTER – COMMUNITY INTEGRATION

Trish Successfully Moved Into a Group Home.

Trish is a child who lived with her family and experienced a series of mental health holds within a short time period. Her family determined it was no longer safe for Trish to remain in the family home. Trish's family contacted OCRA for help finding a placement to meet her needs. OCRA advocated for the regional center to perform a whole person assessment and provide additional crisis intervention services to Trish. The regional center initially denied OCRA's request to perform an assessment. OCRA continued to advocate with regional center staff, and the regional center agreed to start that process. They also agreed to provide more respite hours and crisis intervention services to Trish. OCRA attended meetings with the regional center, Child Protective Services, and DDS, and reviewed the completed whole person assessment. The regional center identified a group home appropriate for Trish's needs, and she moved in. Trish's family can visit her there.

Dylan Succeeds in His Long Path Back to Community Placement.

From celebrating his eighteenth birthday at a residential special education program out of state, through spending his early twenties at an acute psychiatric hospital, Dylan had a long path back to living in the community. Although he made significant progress at the residential special education program, a series of behavioral incidents forced Dylan back to California and left the regional center struggling to find an appropriate placement. Dylan qualified for residential or supported living services and frequently expressed his desire to live in a setting similar to the residential program. But, with little time to send referrals or organize assessments before his move, the regional center settled for what it considered a temporary placement at the acute psychiatric hospital. Weeks at the hospital turned to months. Dylan eventually transferred to an acute crisis unit in a

developmental center, where he spent six months. He then moved into a community apartment with supported living services, but two months later ended up back at the acute psychiatric hospital. Over the next few years, the regional center pursued several community placements, but delays in licensing and a freeze on placements during the COVID-19 pandemic further postponed Dylan's placement. During his stay at the hospital and other facilities, OCRA advocated for Dylan at over 25 meetings, including frequent visits and check-ins. OCRA also advocated for Dylan about his right to consent to medical treatment, to have meaningful assessments, and to have periodic reviews of his IPP. Finally, Dylan moved into a community care facility, welcomed by an old friend from the psychiatric hospital who moved to the home just before the pandemic.

Barbara Moves Into the Community.

Barbara was admitted to the hospital for some minor physical injuries. Her injuries healed, but her care home refused to let her come home. The regional center did not identify a new placement option. OCRA maintained contact with the regional center and advocated for the least restrictive placement for Barbara. Since the regional center could not find an available care home, OCRA advocated for Barbara to have independent housing with appropriate supports. Finally, Barbara left the hospital and moved into her own home with services to support her.

REGIONAL CENTER – ELIGIBILITY

Carley Obtains Regional Center Eligibility.

Carley independently applied for regional center services three different times, with each application resulting in a denial. OCRA conducted a full records review and drafted a letter on Carley's behalf, requesting a psychological assessment. OCRA attended that assessment with Carley and agreed to represent her at a hearing, if needed. However, the regional center informally settled with her, finding her eligible for regional center services as a person with autism. OCRA has also agreed to represent Carley at her initial IPP meeting with the regional center.

OCRA Helps Jose Reactivate His Regional Center Case While in Jail.

Jose's mother called OCRA for help. Jose was in jail. She was concerned that his assigned attorney was violating his rights as a person with a disability. She also said Jose's regional center case was deactivated. OCRA and Jose's mother agreed that she would call OCRA with Jose on the line to get his permission to help. Jose wanted OCRA's help to reactivate his regional center case and to help him move to the least restrictive environment. OCRA contacted the regional center to activate Jose's case. OCRA also contacted Jose's attorney who, because of a language barrier, was not aware Jose had a disability and was a regional center client. Jose and his family do not speak English and could not tell his attorney about Jose's disability and regional center eligibility. OCRA talked with the attorney about regional center services, which helped him determine case strategy. The regional center immediately reactivated his case and sent a letter to the court regarding regional center services and supports. The attorney, regional center, Jose's mother, and OCRA are working together to help Jose live in the least restrictive environment.

Tony Is Granted Regional Center Eligibility.

Tony's mother called OCRA for help appealing the regional center's decision finding Tony ineligible for services. OCRA reviewed Tony's existing documents and requested additional records to support his case for eligibility. OCRA also hired an expert to review records and analyze his diagnoses and the impact of his disability. The expert concluded there is merit to Tony's case and provided a thorough letter supporting his eligibility. OCRA helped Tony's mother avoid reapplying for eligibility by collaborating with the regional center to have the new information reviewed as part of his initial application. Following an informal meeting with the regional center, Tony was found eligible under not one, but both, of his qualifying diagnoses. Tony and his mother are now exploring services to support his transition to the school district.

REGIONAL CENTER – SERVICES

Blaire Obtains a Life-Saving Rehabilitation Aide.

Blaire is a 22-year-old woman who lives with her family. She recently finished high school. Blaire received many services through school, including a rehabilitation aide and intensive occupational, physical, and speech therapies. Once Blaire was set to leave school, her family met with her regional center to get appropriate services at home. Believing Blaire had not yet exhausted generic resources, the regional center refused to provide any services. Her family gathered reports, letters, and testimony from providers to support their request for regional center services. Blaire's family and providers both argued Blaire could not afford to experience any gaps in support, as her therapeutic services maintain her quality of life. OCRA helped the family draft demand letters to the regional center about its responsibility to gap-fund the services. The regional center finally agreed to fund Blaire's services, except the critical rehabilitation aide. The regional center argued the rehabilitation aide was unnecessary and duplicated other services. Despite several meetings, the regional center proceeded with a fair hearing. OCRA represented Blaire at the hearing, and the judge granted the funding of the rehabilitation aide for Blaire. Blaire will continue her therapies at home safely again with the help of her complete support team.

Adam Receives Talk Therapy Services.

Adam's mother contacted OCRA after noticing an increase in his suicidal ideations and aggressive behaviors. She feared he could not remain at home much longer without services that would get to the root of his behaviors. Adam's pediatrician recommended a provider that specializes in clients who have a dual diagnosis of developmental disability and mental health disability, but they refused to take Adam as long as the county mental health services provider was seeing him for medication management. OCRA agreed to represent Adam at an emergency IPP meeting to request gap-funding while the service coordinator tried to find additional supports. The regional center agreed to provide 18 to 36 sessions of talk therapy for Adam.

OCRA Helps Oscar Reinstate His SLS and Increase His Hours to 250 Per Month.

Oscar's Supported Living Services (SLS) provider contacted OCRA for help. Oscar's new regional center service coordinator had reduced his SLS hours from 250 hours per month to 65. A previous administrative hearing decision had ordered that 250 hours of SLS support were necessary to help Oscar care for his 7-year-old child and the child would be at risk without SLS support. OCRA reviewed the hearing decision, IPP, and regional center's notice of action proposing the reduction. OCRA discovered the regional center failed to provide a notice of action when it reduced his SLS hours. OCRA helped Oscar protect his appeal rights by helping him appeal and request a continuance to give OCRA time to help. OCRA then prepared Oscar and his SLS provider for the informal meeting. After the meeting, the regional center reinstated Oscar's SLS hours to 250 per month.

Sam's Adaptive Skills Training Services Are Reinstated.

Sam struggled with understanding how to manage his own money. He benefited from money management services through adaptive skills training funded by the regional center. However, his services stopped with no warning or notice. OCRA represented Sam at an IPP meeting and helped Sam advocate for these needed services. The regional center was not sure if the training stopped due to the COVID-19 pandemic restrictions, or if Sam had finished his programming. The regional center agreed to reinstate funding for adaptive skills training immediately.

OCRA Helps Wilma Obtain an Extra \$46,000 for Self-Determination.

Wilma is in Self-Determination and needs full support for her physical care. She wanted to live in her family's home and receive services similar to Supported Living Services (SLS). The regional center told Wilma she could not receive SLS at home. OCRA opened a case to help Wilma get the services she wanted. OCRA attended meetings with the regional center and explained that although people cannot receive SLS at home, they can, through self-determination, receive the services they need, which may be similar to SLS. OCRA provided direct representation at a mediation with an administrative law judge acting as mediator, to advocate for Wilma's

services. The regional center agreed at mediation to increase the existing self-determination budget by almost \$46,000 in order to provide the needed services so Wilma can live at home with her family.

Kara Receives Aid Paid Pending, Childcare, and Respite Hours.

Kara's mother asked OCRA for help addressing the regional center's substantial reduction of Kara's respite hours from over 200 hours per month to 30. The regional center also denied her request for aid paid pending resolution of the dispute, despite Kara's mother timely appealing the regional center's proposed action. She also asked for help getting childcare service hours while she worked. OCRA reviewed notices of action, physician support letters, and Kara's generic resources like IHSS. OCRA helped Kara's mother create a calendar documenting use of IHSS, behavioral therapy, and respite hours to determine how many childcare hours she needed while her mother was working. OCRA attended an informal meeting with the regional center to help Kara obtain appropriate services. Kara's mother provided evidence that the regional center received her appeal in time to give aid paid pending the resolution. She used her calendar to demonstrate the need for both respite and childcare hours without duplication of services. After the informal meeting, the regional center offered to provide aid paid pending and a combination of childcare and respite hours to meet Kara's needs. Kara's mother accepted the offered resolution.

SPECIAL EDUCATION

Mark Qualifies for an IEP.

Mark is in third grade. His parent had been advocating unsuccessfully for him since he was three to receive special education services. The school agreed to assess Mark again after OCRA requested that assessment. The school found Mark had qualifying disabilities, but was reluctant to provide special education services, saying he was progressing academically. OCRA advocated at an IEP meeting and the team agreed Mark is indeed eligible for special education services. He will receive daily specialized academic instruction and short-term counseling services. Once the team established an IEP, the school agreed to refer Mark for an assessment for Educationally-Related Mental Health Services.

Emily to Return to In-Person Instruction with 1:1 Support.

Emily was struggling to make progress in her educational program during distance learning. After seeing regression in her performance and not meeting her IEP goals, Emily's parents decided they needed advocacy assistance. Emily is non-verbal and has autism, which makes it hard for her to participate in distance learning. This break in her regular routine caused her to have severe behavioral challenges. OCRA agreed to represent Emily at an IEP meeting to discuss options to help her make progress toward her IEP goals. The district agreed to bring Emily back on campus as part of a small cohort of students for in-person instruction three days per week. This resulted in a significant improvement in Emily's behaviors. OCRA attended a follow-up IEP meeting to advocate for Emily returning to campus full-time. The district agreed to have Emily return to campus five days per week with in-person instruction and 1:1 support. The district agreed to perform new assessments in every area of suspected disability and redetermine her present levels of performance to assess her regression during distance learning. The district acknowledged Emily suffered learning loss and will use the information from the assessments to determine compensatory services. The district offered specialized instruction in addition to Emily's regular school program, including intensive individualized services with 1:1 support built into the additional time. The district will also provide compensatory speech and occupational therapy services.

Samantha Transitions into Public School.

Samantha and her parents wanted to return to their public school of residence. OCRA advised the family to call for an IEP meeting. At the IEP meeting, and with four weeks left in the school year, the public school said Samantha would be better off starting fresh next year at the high school. OCRA recommended the middle school use the month to perform comprehensive assessments to determine which services would help Samantha start next year. The IEP team agreed, and soon completed in-person assessments. Upon completing the comprehensive assessments, the IEP team recommended that Samantha start high school with a 1:1 aide, speech services, and weekly occupational therapy consultations with Samantha's teachers and support team. The team wrote many accommodations into the IEP including a shortened day, no homework,

and permission to leave class for mental-emotional breaks for regulation. The school has offered placement in a therapeutic learning program or in the general high school setting.

Samson Obtains Special Education Assessments.

Samson's mother contacted OCRA because the district refused to conduct assessments until its schools reopened. The district offered no virtual assessments nor provided the required assessment plan or prior written notice. It had been eight months since they initially agreed to do the assessments. OCRA wrote a letter to the district's special education director requesting psycho-educational, occupational therapy, and physical therapy assessments and the required assessment plan. The school district provided the assessment plan, agreeing to conduct the occupational and physical therapy assessments virtually, and provided prior written notice they would not complete the psycho-educational assessment until schools reopened. Samson's mother agreed to hold off on a psycho-educational evaluation because Medi-Cal had recently begun funding ABA services for Samson, and his behaviors were improving.