

**Advocacy Report  
January 2017 - June 2017**

*All names have been changed to preserve confidentiality.*

**BENEFITS – IHSS**

**Sebastian is Made Eligible for IHSS.**

Sebastian was not receiving IHSS service because his mother was not aware that the IHSS program even existed. Sebastian's mother attended a training given by OCRA and learned about the IHSS program. His mother learned about IHSS eligibility and the application process. OCRA guided and assisted his mother in completing the self-assessment chart. This was a huge eye-opener for her, since she had never taken into account the amount of care she provides for Sebastian. As a result, Sebastian was made eligible for IHSS. He was awarded 283 hours per month and also received a retroactive payment for almost \$12,000, dating back to his initial application date.

**Hector Receives a Substantial Increase in IHSS Hours.**

Hector's mother had believed for years that he was entitled to more IHSS hours than the 81.5 per month he was receiving. Because she had to watch him closely to prevent him from grabbing a hot stove or running into the street, she wanted his IHSS to include protective supervision. The county had denied protective supervision on the grounds that Hector exhibited aggressive behavior and that his behavior was "self-directed." Hector's mother appealed. OCRA first counseled his mother to keep a log of the time she spent performing tasks necessitated by Hector's disability and the accidents she prevented by her close supervision. Referencing these logs, OCRA then drafted the hearing brief for her to present to the administrative law judge at the hearing. The brief argued that Hector's behavior was not "self-directed," but a result of his disability. The judge found that Hector needed full-time supervision to prevent him from engaging in potentially dangerous activities and that his behavior was not self-directed. The judge found that Hector was entitled to 283 hours per month of IHSS, including protective supervision.

### **IHSS Provides Reasonable Accommodation With Telephone Timesheet System.**

Elijah contacted OCRA because he wanted to regain his independence in signing and approving his IHSS workers' weekly timesheets. Because Elijah has degenerative cortical blindness, he requires assistance from supported living staff to approve and sign IHSS timesheets. Elijah wanted to be more independent in the supervision of his IHSS workers. OCRA met with Elijah and his IPP team to consider what supports Elijah required. OCRA advised Elijah that pursuant to All-County Letter 15-60, IHSS must provide reasonable accommodations for people who are blind or visually-impaired and could not read the timesheets they are required to sign under penalty of perjury. When IHSS was not receptive to accommodating Elijah's needs, OCRA contacted IHSS directly and sent a letter for reasonable accommodations to access the IHSS Telephone Timesheet System (TTS). IHSS claimed that they were not familiar with the TTS system. However, OCRA explained the TTS to IHSS and their legal responsibility to accommodate Elijah. He was promptly registered to use the TTS. Elijah is grateful that he can maintain his independence and continue to monitor and supervise his own IHSS workers.

### **BENEFITS – MEDI-CAL**

#### **Client Who Requires Specialized Medical Care Wins Exemption.**

Jacob's mother contacted OCRA to assist with a Medical Exemption Request (MER) so that Jacob may continue to receive specialist medical treatment from a doctor who is not part of the Medi-Cal managed care system. Due to Jacob's medically fragile condition, he requires a baclofen pump and there were no providers in the geographic area of his home to provide treatment. As a result, Jacob needed to be in the Medi-Cal fee-for-service program in order to access baclofen pump services. Initially, Jacob was denied a MER based on the information that his mother submitted which did not include any relevant medical documentation. After reviewing the original MER documentation, OCRA recommended that the primary care doctor submit all relevant medical records from Jacob's specialty doctor, the regional center, and the primary care doctor as part of a second request for a MER. OCRA then drafted the second MER because Jacob needed to maintain the status quo as a nursing facility waiver recipient, enrollment in a managed care plan was voluntary for him, and continuity of

care could not be provided in managed care because of his need for specialized medical care. The Department of Health Care Services issued a notice of action that granted Jacob's MER and returned him to the Medi-Cal fee-for-service program, which covers his specialty doctor care for the baclofen pump.

### **Jerry's Medi-Cal is Reinstated.**

Jerry's Medi-Cal was terminated. Jerry's mother made repeated calls to his Medi-Cal case worker, who did not return any of those calls. OCRA conducted an advocate inquiry to the Department of Public Social Services (DPSS) and asked for an investigation to find out why Jerry's Medi-Cal was terminated. OCRA explained that as a result of losing his Medi-Cal, Jerry was not able to get his gum disease treated, schedule his overdue physical, or get another evaluation that he needed. Within a week, DPSS responded to the advocate inquiry, saying the termination was mistake and restored Jerry's Medi-Cal eligibility.

## **BENEFITS – SSDI**

### **Social Security Overpayment is Cleared and Benefits are Reinstated.**

Jaime received a letter from the Social Security Administration (SSA) terminating his SSDI Benefits. SSA argued that his wages were too high for approximately two years and now owed over \$35,000 to SSA. Jaime's representative payee, his mother, had become sick and did not correctly report applicable work subsidies. OCRA agreed to negotiate with SSA in an appeal of the termination. OCRA conducted an exhaustive records review, contacted Jaime's former employer, and helped Jaime obtain a new SSA-3033 form (a work subsidy form) filled out by his former employer. OCRA also communicated with Social Security's Area Work Incentives Coordinator (AWIC) to help resolve the termination and overpayment. The AWIC reviewed the case and instructed the SSA office to review the reconsideration in light of the new information on the SSA-3033 form and to promptly reinstate Jaime's benefits. Jaime's request was granted, his benefits were reinstated, and the overpayment cleared. Jaime also received over \$10,000 in back-payments for benefits he was entitled to during the time the reconsideration was being reviewed. Lastly, OCRA provided counsel to Jaime's representative payee on reporting duties in order to avoid terminations and overpayments in the future.

### **Sam's SSDI Benefits are Reinstated and His \$14,000 Overpayment is Cleared.**

Sam received a notice that he had an SSDI overpayment of over \$14,000. Even though Sam was a regional center consumer for most of his life, SSA determined that his disability ended because he was able to work. SSA's determination that Sam's disability had ended was retroactive, so Sam owed SSA more than \$14,000 in SSDI benefits that SSA had paid him after his disability ended. OCRA helped Sam complete forms to show SSA that he had work subsidies in both his past and current employment that should have been considered when SSA was deciding whether to terminate his benefits. OCRA asked SSA to reopen Sam's benefit termination case, apply the subsidy information, reinstate Sam's benefits, and clear his overpayment. SSA agreed to reopen his case and found that Sam's disability never ended, cleared his overpayment, and gave Sam his SSDI benefits for the months he did not receive a payment.

### **BENEFITS – SSI**

#### **Jim Keeps Restaurant Meal Allowance.**

Jim lives far outside of the city limits in a recreational vehicle (RV) that sits on land that he owns. There is a power pole on the property, but it has a very lightweight breaker, which cannot support cooking appliances. Jim had been cited in the past for code violations when he did have cooking facilities. Since he cannot afford to bring his property up to code, he had the stove removed in order to come into compliance with county codes. The RV did not have a refrigerator when he purchased it. For years, Jim has claimed a restaurant meal allowance, which is a higher SSI payment amount. However, this year he received a letter from the Social Security Administration (SSA) that if he did not provide them with an original or certified document from the issuing agency verifying that he is unable to legally hook up appliances, his SSI payments would be terminated. OCRA contacted the SSA representative and provided her with a section of the SSA Program Operations Manual. It said that a statement made by the recipient that he/she has inadequate cooking and food storage facilities is acceptable proof and shall not be verified by the field office. The problem was resolved and Jim's benefits continued with the restaurant meal allowance.

### **OCRA Assists Client in Obtaining Correct SSI Amount.**

Ana is a minor who receives SSI. Her SSI monthly benefit amounts change whenever her father's income changes. Ana's father received a decrease in pay in November and the family immediately reported this decrease to SSA. Ana's SSI check was supposed to increase in January to reflect the change in her father's income. Ana's mother was reporting the lowered wages every month for six months, yet Ana's SSI check never increased. Ana's mother is a monolingual Spanish speaker and felt that SSA was ignoring her request. Ana has dietary restrictions and needs special food and supplements each month, so receiving the correct SSI amount is crucial. OCRA advised Ana's family that she could file a request for reconsideration if they disagreed with the SSI amount that Ana was receiving each month. OCRA drafted a letter to SSA asking them to increase Ana's SSI amount to reflect her father's lower wages, or the family would be forced to file a request for reconsideration. Ana's mother provided the letter to SSA. The following day, all of the wages were input into the SSA system and the monthly SSI payment was immediately increased. Ana received a back payment of \$1,500.

### **HOUSING**

#### **Antonio Receives Reasonable Accommodations to Access Section 8 Voucher.**

Antonio lives in his own apartment with supported living services. After many years of waiting, he finally reached the top of the waiting list for a Section 8 housing voucher to help pay his rent. Antonio's mother is his limited conservator. Antonio's supported living staff help him understand his benefits and other complex issues. When Antonio went to the housing authority's office with his SLS staff to fill out paperwork, he was not allowed to sign because the housing authority felt he lacked capacity. His mother and conservator was eventually allowed to sign the paperwork instead. The next step was attending an orientation. The housing authority has a rule that only one person can attend. Antonio's mother went on his behalf, but was turned away and told to come back with a power of attorney, even though she already has a conservatorship. She was also told that if the orientation was not completed at the next available date, Antonio would lose his voucher and go back to the bottom of the waiting list. Antonio's mother was not available on the next date the housing authority assigned

him. OCRA contacted the housing authority's ombudsperson to ask that as a reasonable accommodation, Antonio be allowed to have more than one person at the orientation so that his SLS staff could learn about the program and support him. OCRA also explained that if a matter is covered by the powers in the conservatorship, his mother should be allowed to act on his behalf, and if it is outside of the powers in the conservatorship, Antonio himself should be allowed to act on his own behalf because of the presumption of capacity in California law. The ombudsperson contacted Antonio's SLS agency and confirmed that he would be allowed to attend the orientation on a new date with his SLS staff there to support him.

## **PERSONAL AUTONOMY**

### ***Alice Learns to Advocate for Her Own Choices.***

Alice is 32 years old and she contacted OCRA because she wanted guidance on how to advocate for herself. Alice had enrolled in community college and realized that she needed to let go of certain commitments so that she would have time to study. Alice tried to resign from a committee on which she is a member, but the committee would not accept her resignation and assumed that Alice wanted to resign because her boyfriend told her to. Alice asked for OCRA's help with communicating her choices. OCRA helped her draft a resignation letter. Alice submitted the resignation letter, explaining her reasons and that she would fulfill her committee member duties until school begins. OCRA and Alice also looked at her IPP and discussed the supports and services that she would need in order to succeed in community college. OCRA noticed she had no supports to help with the demands of college and advised her to apply for services from the Department of Rehabilitation for additional support.

## **PRIVATE INSURANCE**

### ***Eton Relieved of Substantial Medical Debt Burden.***

Eton suffered an injury to his hand and was transported to a hospital to receive care. Because of incomplete paperwork between Eton's employer and his private health insurer, the insurer refused to pay Eton's hospital bill. Eton received an invoice for \$12,678.00. Over several months, OCRA advocated for Eton with his employer, his private insurer, and the hospital through the lengthy process of documenting his claim and resubmitting it

for payment. Finally, Eton's private insurer agreed to pay the majority of the hospital invoice and the hospital agreed to write off the balance. Ultimately, Eton paid nothing for the care he received after his injury.

## **REGIONAL CENTER – COMMUNITY PLACEMENT**

### **Sandra Gets Supported Living Assessment.**

Under California law, regional center consumers cannot remain in a locked IMD for longer than 180 days. However, Sandra had been at a locked IMD in southern California for two years after her placement in the community failed. She requested placement in a specialized care facility and the regional center ran a statewide search for an appropriate home. Unfortunately, none of the group homes with open beds could effectively meet her needs. OCRA stepped in to advocate for Sandra at her IPP meetings and requested supported living services as an alternative to placement in a group home. At Sandra's last IPP meeting, the regional center agreed to fund a supported living assessment and has since identified and contracted with an agency to do the assessment.

### **Adeline Finds Success After Many Unsuccessful Community Placements.**

Adeline is a 47-year-old who had not been successful with long-term community placements attempted since 2012. The providers within her regional center's catchment area were unable to meet her individual needs. The lack of appropriate placement led Adeline to be placed in a locked IMD and then a developmental center acute crisis unit. The developmental center staff worked with Adeline to understand her individual needs. At Adeline's monthly IPP meetings, her team discussed services and supports that she needs to succeed in the community. OCRA advocated for the least restrictive environment after Adeline's regional center sought to place her in a delayed egress/secured perimeter home even though she did not frequently try to run away. Adeline's IPP team eventually secured a less restrictive group home that met her needs. Adeline was scared to leave the developmental center, but with cross-training, she developed trust with her new direct care staff and became excited to leave. Adeline is now living successfully in the community.

### **Tom Returns to the Community from a Locked Facility.**

Tom lived in the community his entire life. When a personal crisis arose, Tom's behaviors increased and his emotions were unstable. Tom was not receiving the support that he needed to help him through his crisis at his group home, and he was placed in a locked institution. Tom told OCRA staff that he wanted to return to the community. OCRA explained the different types of community placements available for regional center consumers. Tom expressed a desire to live in a group home. OCRA attended meetings at the institution and worked with the regional center to ensure that Tom had an appropriate discharge plan, which included a safe home with trained staff and behavioral services to meet Tom's needs in the community. Tom is now living back in the community.

### **Kimmy Advocates for Herself.**

Kimmy spent the last five years in and out of restrictive settings. Currently, Kimmy is living in a mental health rehabilitation center that significantly limits her independence. Kimmy has worked hard to improve her behaviors, manage her weight and diabetes, and find medications that work for her. For two years, she has been asking to move out of her current placement and into her own apartment near her family. Kimmy's family is very important to her, but she lives a six hour drive from them. OCRA worked with Kimmy several times over the years, and recently helped Kimmy advocate for herself to transition into a less restrictive setting. Kimmy's IPP had not been updated since she moved into the mental health rehabilitation center three years ago. OCRA helped Kimmy schedule a new IPP meeting so she could tell her IPP team what she wanted in her own words. Kimmy successfully advocated for herself at her IPP meeting. For the first time in years, she is seeing significant movement toward transition out of a locked setting. SLS providers are coming to interview Kimmy and help her plan her move into the community.



### **With the Support He Needs, Adan is Able to Return to the Community.**

Adan is a young man who loves basketball, video games, and working hard to earn a paycheck. He also has anxiety and unsafe behaviors. By age 18, Adan had lived in a variety of settings in multiple states, including his family's home, group homes where he had traumatic experiences, and locked psychiatric facilities. He was admitted to the acute crisis unit at a developmental center. OCRA represented Adan at monthly meetings to discuss his progress and advocate for an appropriate home in the community. Adan missed his family and wanted to live near them. Developmental center staff learned about Adan's needs and how to work with him to manage his behaviors and minimize his anxiety. He received medications that helped him and learned a routine that allowed him to feel secure in knowing what to expect each day. The team noted Adan's strengths - he is a hard worker and very interested in saving money for things he wants. He responds well to a positive behavior program based on earning points and accepts the consequences of his actions. He craves male role models to look up to. He enjoys being physically active and participating in a variety of activities. OCRA and the rest of Adan's support team discussed how to best honor Adan's wishes and make the most of his strengths when the time came for him to return to living in the community. His regional center identified a new specialized home that was being developed. The new home was located near Adan's family and could provide male staff and a behavior specialist. Adan visited the new home and spent time with staff. While moving caused Adan some anxiety, his new staff knew how to reassure him because of their extensive training with Adan and his staff at the developmental center. Adan moved into his new home where he has his own room. His staff are helping him settle into a new routine. He will attend and looks forward to receiving a paycheck at day program.

### **Ofelia Goes From Crisis Services to Her Own Apartment.**

Ofelia had trouble finding a home that met her needs and often ended up at the hospital when her family or support staff were unable to meet her needs. She had lived in various group homes, supported living, and board and care homes before she was admitted to the acute crisis unit at a developmental center. The regional center notified OCRA about the admission and OCRA was involved in monitoring her transition back into the community. Throughout her stay, Ofelia learned to use her voice to

advocate for her preferences for placement. Just before her one year anniversary, she moved out of the developmental center and now lives in her own apartment with support staff. Ofelia is excited to have her own place and to continue advocating for herself.

### **Howard Gets a New Home and School.**

Howard is a young man who, after being released from an institution, was homeless. OCRA worked with Howard's dependency attorney to file petitions in court so Howard would continue to receive foster care funding as a dependent adult. OCRA also advocated for Howard to receive a supportive place to live so he would no longer have to live in a homeless shelter. The regional center eventually found a new group home that would meet his needs. OCRA advocated for Howard to receive special education services in school since Howard was under age 22. OCRA provided direct representation at an IEP team meeting. The school district agreed that Howard could attend a county program with 1:1 support including 1:1 transportation so he could get to school each day. They will also provide him with 60 minutes per week of individual counseling. After a series of mishaps that left Howard homeless, in jail, and in shelters, Howard now has a new home and school program that he enjoys.

## **REGIONAL CENTER – ELIGIBILITY**

### **Vanessa Obtains Regional Center Eligibility.**

Vanessa had been in the Early Start program as a child and was enrolled in special education throughout her entire academic career. Now a young woman, Vanessa was struggling with transitioning into adulthood and required regional center services. The regional center denied Vanessa eligibility solely on a review of her records. She then filed an appeal of the denial, requesting a complete assessment by regional center. OCRA spoke with Vanessa and her mother and provided advice on the appeal process and how to prove she was eligible for services. Vanessa obtained an independent, third party assessment of her disability. Upon review of the third party assessment, the regional center agreed to conduct their own assessment. The regional center assessed Vanessa and agreed with the findings of the independent assessment. Vanessa was granted regional center eligibility.

### **OCRA Helps David with Regional Center Eligibility.**

David has lived in foster homes for most of his life. OCRA became involved with David's case when his public defender, who was assigned to David because of a minor charge, thought he should be receiving regional center services. David had received early intervention services from the regional center as a child, but they were discontinued when he turned three. He has a documented history of intellectual disability and fetal alcohol syndrome. OCRA assisted David by reviewing his records and writing a detailed letter asking the regional center to grant eligibility. The regional center made David eligible after reviewing the letter.

## **REGIONAL CENTER - SERVICES**

### **Jenny Gets Appropriate Transition Services.**

Jenny's mother initially contacted OCRA because she needed help with her SSI benefits. While reviewing Jenny's case, OCRA staff noticed that Jenny was about to turn three years old. OCRA asked whether the regional center had evaluated Jenny for regional center eligibility or completed any steps for Jenny to transition into the school district. Jenny's mother was not aware of either process and asked if OCRA would be willing to contact Jenny's service coordinator. OCRA contacted the service coordinator and asked about Jenny's transition from early intervention to regional center services, as well as the IEP process for the school district. The service coordinator immediately contacted Jenny's mother, explained the process, and started the requisite paperwork. Jenny is being evaluated for regional center eligibility and the process to obtain an IEP from the school district has been started. Jenny should have no gaps in services.

### **Family Receives Adaptive Stroller to Access the Community.**

Carlos is a child who uses a wheelchair. His family only has one car, which is not adapted for the wheelchair. Carlos can only go in the car when his father is present, since the wheelchair is too heavy for his mother to lift. It is difficult for Carlos and his mother to leave the house if his father, who works full time, is not home. The wheelchair is difficult to maneuver out of the house. The family thought an adaptive stroller would make it easier for Carlos and his mother to go to medical appointments and shopping. Carlos's mother called OCRA because Medi-Cal would not pay for the

adaptive stroller. The regional center would only pay for the stroller if the family presented a written denial from Medi-Cal. Medi-Cal had not provided a written denial. OCRA assisted by asking Medi-Cal to provide a written denial and for the regional center to fund the stroller. The regional center had an occupational therapist assess the need for the stroller. The therapist found the need for the stroller so great, that she wrote the report the very next day. Carlos finally received his stroller and can now more easily access the community with his family.

### **Daniel Continues to Receive Needed Services in the Home.**

Daniel received attendant care in his family's home while his parents worked for many years. This was his only service from the regional center. Daniel's developed aggressive behaviors and needed intensive behavioral services. Unfortunately, instead Daniel received a notice of action to terminate the attendant care services. OCRA guided Daniel's father through the appeal process. OCRA then attended the informal meeting with the regional center on behalf of Daniel. At the informal meeting, OCRA explained all of Daniel's needs and the care that he will need to remain living with his father in the family home. The regional center agreed that Daniel will continue to receive attendant care until he transitions to around-the-clock intensive behavioral services in the home.

### **OCRA Helps Multiple Clients Obtain ILS in Their Family's Home.**

Ever since the law changed allowing regional centers to fund Independent Living Skills (ILS) for adult consumers living in their family's homes, OCRA has made it a priority to provide information about ILS to clients. Specifically, OCRA has targeted the Latino community to provide information about ILS through outreach and trainings. Over a period of months, OCRA received a number of calls from clients who had asked for ILS in their family's home, but service coordinators told them the regional center could not fund the services. OCRA prioritized these cases and helped a number of clients by contacting the regional center on their behalf to advocate for ILS in the family home. One example is Lucia, whose mother contacted OCRA regarding Lucia's right to obtain ILS in her home. When Lucia contacted the regional center to request ILS, the regional center told her that ILS is only available for people who were over the age of 22, because the school should be providing services instead. OCRA contacted the regional center on Lucia's behalf and explained that the law

allows for clients who live in family homes to obtain ILS. The regional center agreed to fund ILS and Lucia is learning skills to become more independent.

### **Taylor Receives Copayment Assistance.**

Taylor's mother spent more than a year struggling to get the regional center to fund copays for ABA services through Taylor's insurance. Taylor had not yet accessed ABA through insurance since the copays were too costly for the family to afford as they added up quickly each month. The regional center had included funding for copays in Taylor's IPP, but Taylor's service coordinator initially failed to follow up and then said the proof of the ABA and copay assistance necessity was not sufficient. Taylor's mother filed for hearing. OCRA helped Taylor's mother prepare for hearing and organize the supporting documents. After an informal meeting, the regional center agreed to pay the past-due bill and to pay for future copays. The regional center also agreed to gap-fund the service until the private insurance provider becomes available.

### **Judge Orders Regional Center to Restore Rent Subsidy.**

Chen and Biyu are mother and daughter who have lived together their entire lives. They and their extended family are monolingual Mandarin speakers. The regional center had subsidized their apartment rent for several years, but then suddenly terminated it. The regional center did not provide adequate notice informing Chen and Biyu that their subsidy was ending. Chen and Biyu's extended family struggled for months to financially support them. OCRA represented Chen and Biyu at a fair hearing against the regional center. The administrative law judge agreed that the regional center failed to provide adequate notice and ordered the regional center to reimburse the family for the money spent to pay the rent of Chen and Biyu.

### **OCRA Helps Siblings' Mother With Increase In Respite Services.**

Conan and Carl are brothers. Their mother was only getting a total of 30 hours of respite per month for both boys, despite experiencing a high level of exhaustion and stress in dealing with their behaviors. They both exhibit aggression and property destruction on a daily basis. OCRA got involved and requested the maximum of 30 hours of respite per month for *each* of

the boys. The request was approved. Conan and Carl's mother was relieved and thankful that she will begin receiving a significant increase in respite and have some individual time with each of her children.

### **Mark's Early Start Services are Restored.**

Mark is a toddler who receives early intervention services through the regional center's Early Start program. When his family moved to a new regional center, these developmental services were automatically reduced by half. OCRA informally negotiated with regional center staff to increase his services to meet his needs. The regional center agreed to authorize the previous amount of services. Mark will now be able to make progress towards his developmental milestones.

## **SPECIAL EDUCATION**

### **School and Criminal Justice System Educated About Ian's Disability.**

Every morning Ian uses his pocket knife to cut flowers for a friend. One morning he was distracted during the task and he placed the open pocket knife in his school backpack. Later that day, Ian reached into his backpack and cut his hand on the open knife. Ian's high school principal (1) called the police, resulting in Ian's arrest, overnight stay in juvenile hall, and felony charge; (2) suspended Ian from school for ten days; and (3) recommended Ian be expelled for bringing a weapon on school grounds. Ian's parents called OCRA. OCRA prepared an opinion letter explaining the nature of Ian's disability, that his conduct was a manifestation of that disability, and that Ian had no intent to threaten or injure anyone at any time. Ian's parents provided OCRA's letter to Ian's criminal defense attorney, who reported that the letter gave the judge and prosecutor vital information about Ian's disability, and resulted in a disposition of informal probation for six months. Ian's parents also provided OCRA's letter to Ian's IEP team at school, which ultimately concluded that Ian's conduct was a manifestation of his disability and he must not be expelled. The team prepared a Behavior Improvement Plan to support Ian at school, and Ian will remain in his current, preferred, school placement.

### **Donald Gets School Placement and Compensatory Services.**

Donald is a young man with autism. His mother called OCRA for help when Donald was not allowed to return to his non-public school placement because of behavior issues. His mother reported that he had already lost three weeks of instructional time with no services from the school district. Unfortunately, this wasn't the first time Donald was informally suspended from school. He had lost close to six months of instructional time during the previous school year for the same reason. OCRA reviewed Donald's records and helped his mother to prepare a California Department of Education (CDE) compliance complaint against the school district, requesting a return to school and compensatory services. CDE found in Donald's favor by issuing an order that allowed Donald to immediately return to his school placement. CDE also ordered the district to provide 70 hours of individual academic tutoring and 450 minutes of speech and language therapy as compensatory services for his missed services.

### **Student Returns to Public School Setting in the Least Restrictive Environment.**

Kimo's mother contacted OCRA to advocate for a less restrictive educational placement. Kimo had been receiving educational services and supports in his home - a children's community care facility - for three years because of his behavioral support needs in the school setting. Receiving educational services in the facility had been less restrictive than having to move out of state which was a suggested option, but after three years, Kimo was ready to return to public school. Most of Kimo's IEP team agreed that Kimo has the right to be educated again in a public school setting. Kimo requires 2:1 behavior support and specialized transportation to meet his daily educational needs. OCRA advocated for Kimo at multiple IEP meetings over a one year period. After months of negotiating and multiple school site visits, Kimo was finally enrolled at a local publicly funded private school. For the first time in many years, Kimo ate lunch with peers, participated in community outings, worked from a school computer, and enjoyed a school setting. Kimo made progress over the summer session. Although he will move to a new home and attend a new school in the fall, Kimo made significant educational and behavioral progress in a short time. He is now excited and ready for his new school.

**Tony Obtains Speech Therapy, Counseling, Behavioral Goals, Resource Support, and Accommodations in his IEP.**

Tony is a 13-year-old boy with a mild intellectual disability and language delays who had recently become a regional center client. Tony's mother told the school district about his needs, but they failed to address his academic and social difficulties. He was in regular classes and had very minimal support. He was unhappy and doing poorly in school. Tony's mother was very concerned because he had started hanging out with gang and he said he wanted to join. His behavior had deteriorated and he was being suspended regularly. OCRA reviewed Tony's records, attended two IEP meetings, negotiated with the special education director, and persuaded the district to give him speech therapy, more resource support hours, counseling, and behavioral goals in his IEP. Once school begins, the IEP team will meet again to consider whether he needs additional supports, a change in eligibility category, and a placement in a special day class for students with a mild intellectual disability.

**Child Returns to School with Added Supports, Avoiding Restrictive Setting.**

Erik was in a public school setting without a dedicated aide or behavior intervention plan. When he became frustrated, he would run away from school and lash out at teachers and staff. The school called the police and used restraints to address Erik's behaviors. Before a behavior intervention plan was completed, the superintendent removed Erik from his neighborhood school and placed him in an out-of-district, fully fenced-in school located nearly three hours away. OCRA represented Erik and helped his family set up interim education with a private teacher. After multiple meetings, complaints, and independent assessments, the district returned Erik to his neighborhood school and implemented a behavioral plan that emphasized de-escalation rather than restraint and police intervention. Erik now has a 1:1 behavioral aide. The school also agreed to address bullying and shaming from other students with school-wide, peer-focused interventions.

**Annie Is Given The Opportunity to Test Like Her Classmates.**

Annie attended a local adult education program and hoped to test for college credit upon completion of the program. This particular program



allowed students to test for college credit at a local community college. Annie registered for the adult education program and completed all of her coursework, including an internship. When it was time for Annie to test at the community college along with her classmates, she encountered difficulties with testing because she needed accommodations. There was a lot of confusion about the accommodations she needed from both the adult education program and the community college. This confusion caused delays and Annie was unable to test with her classmates. Annie was determined to have the opportunity to test. With help from OCRA, Annie was finally allowed to test for college credit with accommodations.