



Disability
Rights
California

California's protection & advocacy system

2014 ANNUAL REPORT



25th Anniversary of the Americans with Disabilities Act



Disability Rights California 2014 Board Members pictured from left, back row: Herb Anderson, Chief Financial Officer; Judy Mark; Chuck Ehrlich; Debra Cosby; Diana Nelson, Chair; David Oster; Leslie Napper; Jane Zerbi; and Diana Honig, Secretary; front row: Izetta Jackson, President; Jennifer Restle; and Angela Van Ostran. Other Board members who were not present for the photo: Robyn Siers, Stefan Szpajda, and Eduardo Vega.

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2014 Year in Review

by **Catherine Blakemore**

2015 is the 25th anniversary of the Americans with Disabilities Act (ADA). The ADA opened doors for millions of people with disabilities, revolutionized the way people live in communities, and the way society thinks about people with disabilities. As we celebrate the achievements of the past 25 years we recognize the journey to achieve equal rights is not complete.

We invite you to celebrate our many successes: reaching a historic agreement to ensure people with intellectual disabilities have the opportunity to work in real jobs, making a real wage; eliminating stigmatizing and discriminatory statutory terms applied to people with mental health disabilities; ensuring that a man who spent 40 years living in a state institution can move to the community; helping a preschool student have equal access to recess time; and helping individuals with disabilities vote.

We know that much remains to be done. While technology has made it possible to more easily and efficiently obtain information, many technologies remain inaccessible. Hundreds of thousands of individuals continue to live in institutions when we know with appropriate services, they can live in the community.

In the year ahead, we will continue to break down long-standing barriers and work to ensure that every Californian has equal access to opportunity and justice. We hope you will join us!



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Discrimination

Service dog now welcome

Holly Harrison's dog, Al, turns lights on and off, stands still so she can steady herself, separates her from a crowd when she is anxious and alerts her when she is about to have a seizure. This trained service dog helps her enjoy her community. But the grocery store closest to her home would not let her shop with her dog. When her efforts to educate the store owner about her rights were unsuccessful, she contacted DRC for assistance. Attorney Ann Menasche contacted the store's owner and reached an agreement. Now this service dog is welcome in all public areas of the store.



McDonald's agrees to help deaf patrons at drive-thru windows

Michael Ponte, a young, deaf man waited to place his order at the drive-thru window at his local McDonald's. But no one helped him. Finally, a cashier came outside and told Mike he must come into the restaurant to order and could not use the drive-thru service. Attorney Fred Nisen contacted the franchise owner. Now the staff will help deaf customers at the drive-thru.



School district leaves one girl behind

Franny, who loves the 1st grade, was upset when rejected by the after-school program because of her disability—Down syndrome. Attorney Alan Goldstein, along with Clients’ Rights Advocate Leinani Walter, wrote a letter on behalf of Franny informing the school district that this rejection violated her rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. They told the school district DRC was ready to litigate the issue. Success! The district reversed the decision, paid the family damages, trained its staff about disability rights and the law, adopted additional reasonable accommodations procedures, and posted information about reasonable accommodations on its website.

Trent obtains radiation therapy

Trent’s regional center contacted our Office of Clients’ Rights Advocacy (OCRA) after his medical providers denied him radiation therapy for a tumor. An investigation showed the treatments were being denied because of his developmental disability. OCRA teamed with DRC to negotiate with his medical providers. While communicating with the hospital about Trent’s case, his medical providers quickly changed their minds. Trent is now receiving the necessary treatment thanks to the efforts of Clients’ Rights Advocate Yulahlia Hernandez and Attorney Sujatha Branch.



Employment

Historic agreement means thousands will have a chance for a real job

In 2014, the California Department of Rehabilitation (DOR), Department of Developmental Services, and Department of Education, in collaboration with DRC's Deputy Director Andrew Mudryk, reached a historic agreement to ensure people with intellectual and developmental disabilities have the opportunity to work in real jobs, making a real wage. Charles McCarron, now 45, wanted to work in food service from the time he was a teenager. Although he graduated from his high school special education program, neither his regional center, nor DOR, helped him get a job in the community. Instead, he spent many years working in a sheltered workshop earning just 33 cents an hour. Today, Charles works in a Farrell's Ice Cream Parlor after receiving job development and coaching services from Progressive Employment Concept. He now earns \$10 an hour and was promoted from dishwasher to waiter.



Thanks to our work, the state agreed to develop a plan to make integrated competitive employment a reality for thousands of workers like Charles. This agreement also ends the decades old practice of allowing some employers to pay people with disabilities less than minimum wage.

Alicia gets assistive technology on the job

Alicia Durant worried when her medical transcription career became obsolete. She knew she needed different skills to compete in the job market but could not get help from DOR. Attorney Rebecca Cervenak helped her join a customer service training, supported by DOR, which included housing for the duration of the training. DOR also agreed to provide assistive technology tools to accommodate her blindness in the workplace. With new skills and tools, Alicia can start a new career.



Housing

Elderly woman keeps her home

At 98 years old, with mobility disabilities, Meilin Chou was forced to move to different apartments within her senior complex every few months due to renovations. The moves upset this monolingual Chinese speaker and after her daughter found yet another notice on her mother's door to move, DRC intervened. Attorney Fred Nisen wrote a letter to the landlord informing them of Meilin's rights to reasonable accommodations under the state Fair Employment and Housing Act and the Federal Housing Amendments Act. DRC convinced the landlord to provide Meilin a permanent apartment and her daughter told us her mother cried with relief.



Housing accommodation appeal won

Loretta Whyte has multiple sclerosis and disabilities related to emphysema and a prior stroke. She needs her medical equipment close by. The Housing Authority of the City of Los Angeles, which runs the Section 8 program, denied her a second bedroom to house the equipment. Attorney Andrew Berk represented Loretta and won an appeal of the decision. She was granted a second bedroom as a reasonable accommodation.

Mental Health

State hospital patients' rights protected

In November 2014, DRC's California Office of Patients' Rights began representing residents at involuntary medication hearings. These in-house panel hearings at the state hospitals are meant to determine if the person "lacks capacity" to consent to anti-psychotic medications or if they are a "danger to others" as a result of their mental health disability. Between November and December, we provided direct representation to 63 residents for their initial hearing and 45 residents for their second hearing.

Community Integration



Man moves into community after 40 years in a developmental center

About the time Edward Sharp was placed in a state developmental center, President Nixon returned to Yorba Linda and Jerry Brown was elected the youngest governor of California. For many reasons, including attitudes and culture that are slow to change, no one helped Eddie explore ways to become more independent, as is his right under the Lanterman Act.

Clients' Rights Advocate Rita Defilippis and Attorney Suge Lee were successful in advocating so Eddie could get support to live in the community; and in the fall of 2014 he moved into an apartment. Development Center staff said Eddie was afraid to go places and be out in public. However, he is now on the go every day and prefers exploring "big box" stores via elevators. When he comes home, he calls out, "Where is Eddie Sharp's new bedroom?"

Hmong woman wins more hours of In-Home Supportive Services (IHSS)

Gina Long Lee is a 33 year-old Hmong woman who is blind and has depression and a panic disorder. Her mother is her IHSS home care provider and only speaks Hmong. When Gina and her mother met with county staff to request additional IHSS hours, the county did not provide an interpreter. Thus her mother could not explain the services she provides and the hours she works so her daughter can live at home. Instead the county reduced her hours by more than one-third. Attorneys Anne Hadreas and Sujatha Branch intervened and represented Gina at an administrative hearing. With DRC's advocacy, even though Gina was frightened and anxious, she came to the hearing and spoke to the administrative law judge. The administrative law judge determined she needed more hours to remain safely at home and required the county to provide additional IHSS hours.



Chance encounter helps Elizabeth get home

While at the mall in West Los Angeles, Assistant Clients' Rights Advocate Luisa Delgadillo and Clients' Rights Advocate Katie Meyer encountered Elizabeth, a former client who uses a wheel chair and has intellectual disabilities. Elizabeth was relieved to see her advocate and pleaded for help to get out of a skilled nursing facility (SNF) and back to her home. She had lived independently but after a brief hospitalization was sent to the SNF. After two months, she did not know why she could not go back home. DRC asked her service coordinator for an assessment to see if there was a medical reason she could not return home. The assessment revealed no medical reason and OCRA worked with Elizabeth to ensure she was discharged with supported living services in place. She moved back to her home and is delighted to be living on her own again.



Nick restarts his life in the community after decade in institutions

Nicholas Johnson is a 30-year-old man with a brain injury that limits his independence. He spent the past decade in inappropriate and restrictive living situations, including a state hospital and a locked psychiatric hospital. After DRC staff filed a request for an administrative hearing, Attorneys Pamela Cohen and Elissa Gershon negotiated with the state for Medical services that allow Nick to live in his own home near his family. He has support services around the clock and can make choices about his schedule, his food, and his activities. These services are more appropriate than institutions and they cost less. In July, 2014, he moved into his new home. Nick recently told his mother, "It's cool having my house, I can't believe it. I still can't believe I can stay here and not have to leave."



Education

Preschooler gets equal playtime

Alison, a four year old girl with epilepsy, attends a public preschool program. Her doctor recommended she be supervised during playtime. Rather than accommodate her, the school district limited Alison's attendance to 2.5 hours. Her mother contacted DRC because she didn't think it was fair that Alison was restricted to 2.5 hours, when other students without disabilities attended for 3.5 hours. Advocate Mary Rios agreed to help and wrote a letter to the school district requesting the full 3.5 hours and an aide who could support Alison on the playground. The school district agreed. Her mother reports Alison is happy because she can play with her friends. Photo: Griselda Vara Hidalgo at the playground with her daughter Alison.



Child thrives after services provided for trauma

Jamir Coward was assaulted by a family member and experienced injuries serious enough to be hospitalized overnight. Jamir, typically a very happy child, started to show signs of trauma after the assault. He became disruptive in class, yelling out, making odd sounds and refusing to follow instructions. Jamir's mother sought mental health services from outside agencies and the school district. Instead of offering Jamir special education services to meet his needs, the school gave Jamir suspensions and demerits. Jamir's mother asked for special education assessments but the school ignored the requests and did not give him behavioral or mental health services.

Jamir's mother contacted DRC for help filing a due process complaint against the district. As a result of the joint advocacy efforts of Jamir's mother and Attorney Candis Bowles, the district found him eligible for special education services and provided counseling services and a behavior support plan.

Today, Jamir is in the 4th grade and he is thriving. He is adored by teachers, school staff and his peers and he loves school again.

Investigations



Report identifies need for law enforcement training in mental health crisis situations

Law enforcement is the first responder to situations involving people experiencing a mental health crisis. Because of their disability, these individuals may be slow to respond to instructions, behave in ways that can be mistaken for aggression, or have difficulty communicating. The most effective tool for responding to a mental health crisis call is training in how to de-escalate the situation. Unfortunately, California law enforcement officers are not required to attend this type of training and few receive Crisis Intervention Team training, the nationally recognized model for effective intervention.

Attorney Pamila Lew authored a report about the disparity between the role law enforcement plays in responding to mental health crisis calls and the minimal training they receive to address these complex situations.

DRC recommends peace officers receive adequate training in mental health crisis intervention and law enforcement, county mental health and people with mental health disabilities and their families be involved in developing and implementing training.

State institution resident overcomes fear and reports sexual abuse

Sally, a resident of a state institution, reported months of sexual abuse by a male staff member assigned to supervise her. She was reluctant to report the abuse for fear of retaliation and she worried she would not be believed. Because of the abuse, she became increasingly despondent and self-loathing, injuring herself as the abuse escalated.

Following the last rape, she showed remarkable courage by preserving physical evidence of the crime by placing her soiled undergarments on top of her dresser drawer and then reporting the rape to care staff. She endured personal and difficult interviews by law enforcement and the district attorney. The District Attorney has filed four counts against the assailant, including rape and dependent adult abuse.

According to Investigations Unit Director Leslie Morrison and Attorney Stella Kang, Sally is prepared to face her assailant in court should the case go to trial. The alleged assailant was fired and a restraining order keeps him from coming onto the grounds of the institution.

Litigation



Settlement results in improved medical care for prisoners

Quentin Hall, a person with a mental health disability, was awaiting trial in the Fresno County Jail in 2010. The jail failed to assess his mental health needs after booking, and denied his prescribed medication. As a result, he experienced hallucinations, delusions, manic and depressive episodes, and severe anxiety. He contacted DRC for help. In January 2011, Co-Director of Litigation Melinda Bird, the Prison Law Office, and pro bono counsel filed a lawsuit on behalf of Quentin and others with disabilities in the Fresno County Jail. The lawsuit challenged the denial of necessary medical, mental health, and dental care services, as well as the use of excessive force by staff and other prisoners. In a deposition,

Quentin testified about the abuses he and other prisoners experienced. Due in part to his strong presentation, in 2013, the county agreed to consider settlement and allowed a set of experts to inspect the jail. Their report was so critical of jail conditions that, by mid-2014, the county's attorneys agreed to a settlement of all claims. Additionally, the county agreed to increase staffing to ensure prisoner safety, and to contract with a national correctional health care provider to deliver medical and mental health care. The county also agreed to renovate the jail to ensure accessibility through \$2 million in ADA upgrades to the existing jail facilities and \$79 million for construction of a new, fully accessible jail facility.

No more stigmatizing terms in CA statutes

In July 2014, the Governor signed AB 1847, sponsored by DRC. The new law eliminates offensive and outdated words in statutes about people with mental health disabilities, including: crazy, lunatic, insane, feeble-minded, mentally defective and abnormal.

Assembly member Wesley Chesbro introduced the bill because those words perpetuate prejudice and stigma against people with mental health disabilities. As of January 1, 2015, these and similar terms will be removed from California statutes. Legislative Advocate Brandon Tartaglia led our efforts to draft, amend and build support for the bill.



DRC Settlement with LA Sheriff Dept. resolves accessibility problems in Nation's Largest Jail

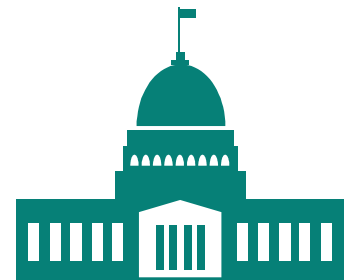
DRC client Joe Gonzalez had firsthand experience with the deplorable conditions that, until recently, affected people with disabilities in the Los Angeles County Jail. As a result of a leg injury, Mr. Gonzalez uses a wheelchair and cannot walk more than a short distance. When Mr. Gonzalez was arrested in 2009, the Los Angeles County Sheriff's Department forced him to go without a wheelchair for days after booking, and then repeatedly removed his wheelchair throughout the remainder of his time in the jail. When he resisted, the jail staff punished him for violating an order, which meant solitary confinement and no visitation with his wife and family.

Mr. Gonzalez agreed to become a plaintiff in DRC's lawsuit, led by Co-Director of Litigation Melinda Bird, against the Sheriff's Department. Now, after more than seven years of hard-fought years of litigation, the Los Angeles County Sheriff's Department agreed to: remedy all of the accessibility problems in the Inmate Reception Center; provide a fully accessible housing area; ensure decisions to remove a wheelchair or other assistive device or accommodation are subject to medical review; establish an ADA complaint procedure and inform everyone of their rights under the ADA; appoint an ADA coordinator at every jail facility to respond and review problems; and offer people with disabilities equal access to jail programs and activities, including opportunities for work and school. In the proposed settlement, Mr. Gonzalez and the other named plaintiffs are awarded damages for the hardship they endured while in the jail.

Legislation

Ensuring regional center services are equally available

In 2014, SB 1093 sponsored by DRC became law. This bill strengthens provisions that hold regional centers accountable for making sure regional center services are equally distributed across ethnic and racial communities. SB 1093 also allows clients to live at home and receive independent living skills training such as cooking and doing laundry without having to move out of their family home. Senior Legislative Advocate Evelyn Abouhassan championed our efforts to get this bill passed.



Pro Bono Partners



DRC works with public defender to get help for regional center client

Kaleb Burton has autism and has been a regional center client his entire life. At 16, he stabbed his stepfather due to a reaction to an inordinately large dose of psychotropic medication. The district attorney charged him as an adult, with multiple felonies. Frank Barone, his public defender, pushed for competency testing. As a result, Kaleb was found not competent to stand trial and placed in a juvenile detention facility.

When Kaleb turned 18 he was housed in his own cell-block because, by law, he could not be around inmates under 18 and staff were concerned for his safety if housed in the adult facility. When efforts to secure an appropriate community placement stalled, Attorneys Lauren Giardina and Michael Lombardi worked with the public defender, Kaleb's parents, and the regional center's in-house counsel to secure placement in a new behavioral home.

Although Frank was promoted to a different position, he has stayed involved for three years and tirelessly advocates for Kaleb to stay in the community. Because of him, Kaleb will have a chance at a life that he would not have had if Frank had not gone well above his expected involvement. Photo: Kaleb Burton, center, accepts a Client Recognition Award with Board member Judy Mark and Kaleb's public defender, Frank Barone by his side.

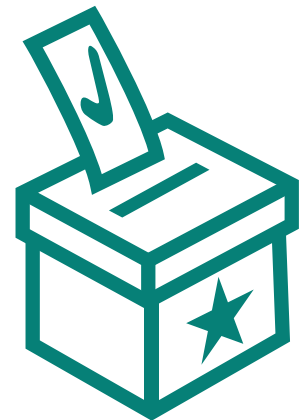
Pro bono lawyers help 27,000 regional center clients

DRC approached Terri Keville, Esq. of Davis Wright and Tremaine LLP, about helping us ensure regional center clients and potential clients receive timely, complete, and accurate notices about eligibility and services decisions, as well as appeal processes. After lengthy negotiations, DRC staff, including Attorney Maria Iriarte, reached a settlement agreement in 2014, which impacted over 27,000 regional center clients. As our pro bono attorney Terri Keville said, "[The regional center] has updated its systems to be sure notices and procedures are provided to consumers and applicants consistently and promptly." The father of our client whose concerns initiated the complaint was pleased with his son's participation in the creation of the agreement to protect the rights of all regional center consumers. Since the settlement, the regional center provides applicants and consumers with adequate notices and other due process protections.

Voting

Tim Jackson voted for the first time

Tim had never voted in an election until he learned about his voting rights in a peer self-advocacy workshop presented by Self-Advocacy Coordinator Garnet Magnus. In September 2014, the DRC Board honored him with a Client Recognition Award because he is one of those people who really “gets it.” Not only has he absorbed and applied the self-advocacy approach successfully in his own life, he helped a friend hold on to her prized Section 8 housing. Photo: Board Member Leslie Napper presents Client Recognition Award to Tim Jackson.



California is first state with accessible online voter registration

In March 2014, the revised California online voter registration (OVR) website went live. Following the launch, DRC staff, including Web Content Specialist Adam Borovkoff and Attorney Tho Vinh Banh, as well as community partners, identified accessibility barriers preventing individuals who use screen readers from completing the online registration form. DRC staff negotiated with the Secretary of State (SOS) to correct some of the barriers. The revised website includes improved disability accessibility features such as: compatibility with screen readers; a new portal for National Voter Registration Act mandated agencies; and the addition of language access for Spanish, Chinese, Hindi, Japanese, Korean, Tagalog, Thai, and Vietnamese. In the last year, DRC reviewed the entire website, including running three separate accessibility tests. The SOS adopted many of DRC’s recommendations. As a result, California’s OVR website is the only one in the country fully accessible to people with disabilities.

DRC Fast Facts 2014

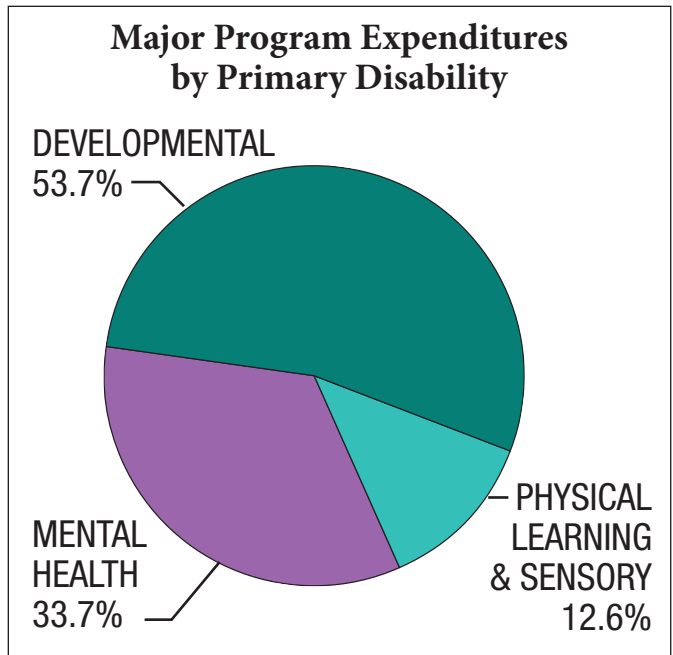
Last year, DRC had over 23,000 requests for assistance. Over 11,000 of these requests were about issues related to people with developmental disabilities, nearly 8,000 were related to mental health and over 1,800 were related to physical, sensory, learning and other disabilities. Nearly 400,000 Californians with disabilities were impacted with our class action and impact litigation throughout the state.

Our staff provided 1,254 trainings and community outreach events, reaching over 83,000 people in many languages about our services.

DRC's website has been visited over 670,000 times, our publications were distributed in multiple languages over 230,000 times, and our social media followers number over 6,000 strong.

Disability Rights California Statement of Activities Fiscal Year ended September 30, 2014

Revenue and Support	FY 2014
U.S. Federal Grants	\$9,662,688
State of California DDS/DSH	\$7,214,916
The California State Bar	\$2,290,604
Program Income/Attorney Fees	\$610,857
Miscellaneous Income/ Other Contracts/Interest Income	\$1,389,891
Donations	\$28,739
Total Revenues	\$21,197,695
Expenses	
Program Services	\$18,575,994
General and Administrative	\$2,192,983
Total Expenses	\$20,768,977
Change in Net Assets	\$428,718



Thanks to our pro bono partners:

Cooley, LLP
David Geffen Law
Davis Wright Tremaine LLP
Hadsell Stormer & Renick LLP
Heller Ehrman LLP
Landau Gottfried & Berger LLP
Law Offices of Amy B. Vandeveld
Morrison & Forester LLP
Munger, Tolles & Olsen LLP
Relman, Dane & Colfax PLLC

Seyfarth Shaw LLP
WilmerHale
Winston & Strawn LLP

And to our volunteer attorneys:

Rachel Bertin
Diva Jones
Eric Mendelson
Julia Monsour
Jenni Varga



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