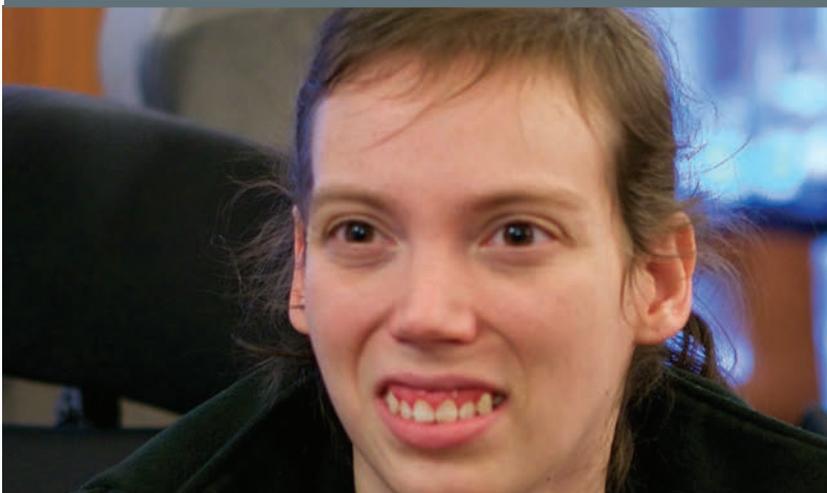
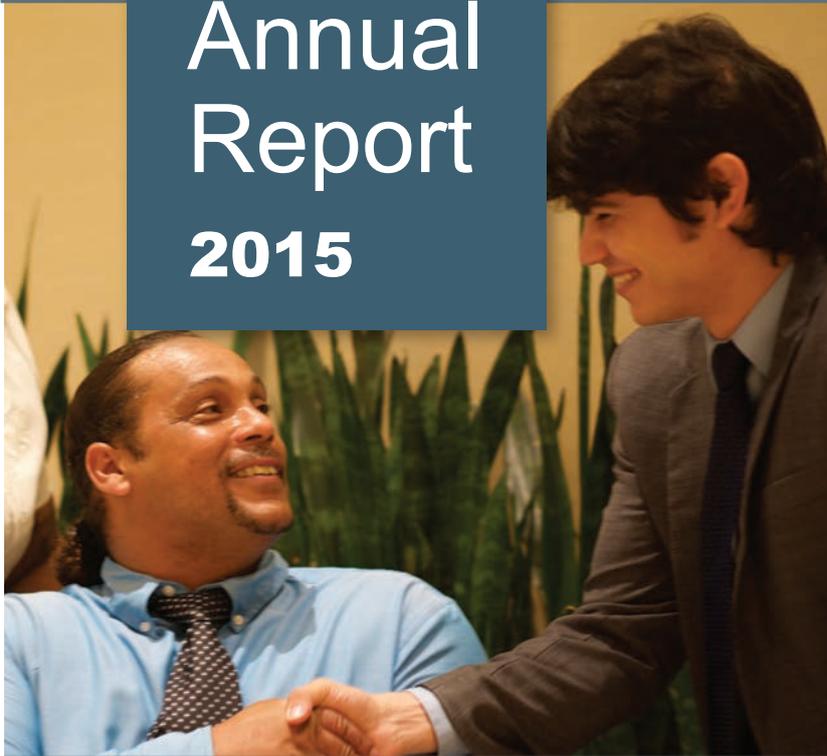


# Annual Report 2015





## **Disability Rights California 2015 Board of Directors**

*Pictured from left*

Back row:

Herb Anderson, Chief Financial Officer; Judy Mark, Secretary; Chuck Ehrlich; Debra Cosby; Diana Nelson, President; David Oster; Leslie Napper, Chair; Jane Zerbi; and Diana Honig.

Front row:

Izetta Jackson; Jennifer Restle; and Angela Van Ostran. Other Board members who were not present for the photo: Elizabeth Gomez, Robyn Siers, Stefan Szpajda, and Eduardo Vega.



Disability Rights California (DRC) is a non-profit organization created by the governor in 1978 to protect the rights of people with disabilities. Our mission is to advocate, educate, investigate, and litigate to advance the rights of Californians with disabilities.

## 2015 YEAR IN REVIEW

### Executive Director Catherine Blakemore



Each day, our work makes a difference. We fight to end discrimination, stop abuse, and advocate for critical services. Each victory, however small, helps ensure Californians with disabilities can enjoy the freedoms and protections others enjoy.

Although disability civil rights statutes have been on the books for decades, too often Californians with disabilities face challenges getting access to the most basic government services. Katie Bassilios simply wanted the City of Torrance to provide an accessible street parking space near her home. Although the cost was minimal, the city refused. It took three years and a federal judge to correct this denial of her rights.

Nearly 15 years ago, the Supreme Court decided people with disabilities could not be unnecessarily segregated in institutions. We work to make that decision a reality. Patty Valdez, who is hard of hearing, spent years living in a state developmental center and never learned sign language. We helped her move to the community where her sign language is improving and each day she participates in community activities.

One of the most basic human rights is the right to be free from abuse. When it happens,

DRC steps in to stop the abuse and change systems so it doesn't happen to others. We helped Tyler Stoltz, a young woman with developmental disabilities, get out of a community hospital, which had restrained her to an enclosed bed.

We also asked the State Department of Education to stop the abusive restraint practices at a private special education school and to make sweeping changes in the state's oversight of these practices and train teachers.

We know our work matters. And we invite you to join us in making a difference in the lives of Californians with disabilities.

 Disability Rights California  
[www.disabilityrightsca.org](http://www.disabilityrightsca.org)  
Toll-free: 800-776-5746



**DisabilityRightsCalifornia**



**DisabilityRightsCA**



**@DisabilityCA**

## HOW WE MAKE A DIFFERENCE

We are proud of making a difference in the lives of Californians with disabilities. We accomplish that in a number of ways, including representing clients at hearings; filing lawsuits; providing materials, information, training, and referrals; promoting self-advocacy; advocating for public policy changes; and conducting investigations and monitoring service delivery. Our successes are best told through the stories of our clients.



## DISCRIMINATION

### Reasonable accommodation allows boy to play soccer

Deven Eastham loves to play soccer. While his favorite position is forward, he enjoys them all, according to his mother, Cherie. But the 10-year-old has a hard time playing the game with children his own age. He has a disability that causes him to be smaller than other children his age. He's more comfortable with teammates who are younger.

The soccer league changed a policy that allowed Deven to play on a team with younger children. His mother researched what the law says about children with disabilities playing sports and found that reasonable accommodations must be made when it comes to organized sports. When she told the soccer league what she had learned officials ignored her.

She contacted DRC and Lynn Page, Clients' Rights Advocate, wrote a letter explaining what the law requires. As a result, Deven's parents submitted a request for a reasonable accommodation, along with a doctor's note, and the league granted the request. "Lynn was very quick to respond and so supportive," Cherie said. "Without her help the league wouldn't have changed its mind." Deven is now happily playing soccer.

## Court rules in client's favor of accessible parking in Torrance, CA

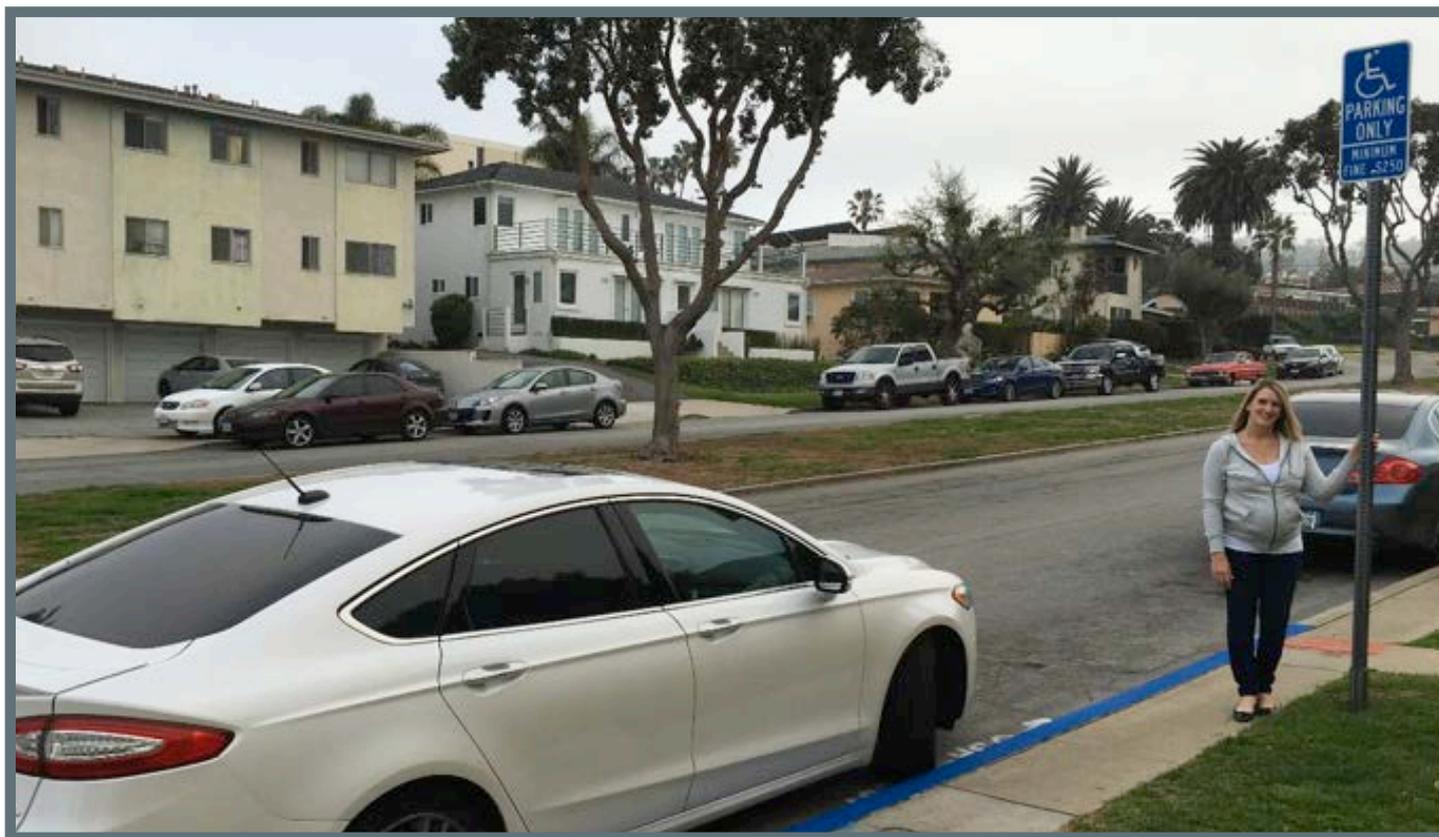
Katie Bassilios has a disability that makes it difficult for her to walk farther than 50 feet. She has an assigned parking space behind her apartment complex. But she can't use it because she has difficulty getting to it. So she has to park on the street in front of her home. But when space isn't available she's forced to park elsewhere and walk farther than is comfortable for her. Katie asked the City of Torrance to designate a space in front of her apartment building as disabled parking by painting the curb blue. The cost was minimal.

While state law allows cities to designate parking for people with disabilities who

have a placard, Torrance declined to provide them and in fact, denied all requests in residential areas since 1999.

Katie contacted DRC and attorneys Autumn Elliott and Andrew Berk filed a complaint in federal court, saying Torrance violated the Americans with Disabilities Act (ADA) for failing to provide her equal access to on-street parking and denying her a reasonable modification.

A federal judge ruled that parking in the city is a program covered by the ADA and installing a blue curb parking space is a reasonable modification for the city to make. Katie now has a space. "It's a liberating feeling to be able to come and go from my house like anyone else," she said.





## EMPLOYMENT

### DRC client gets vehicle modification so he can keep his job

Rual Zenteno has been a customer care representative for a Lexus Dealership in Van Nuys since 2005. In 2013, he risked losing his job and not being able to support his family.

He uses a power wheelchair and has a modified vehicle to travel to and from work. His van, which the Department of Rehabilitation (DOR) purchased nearly 20 years ago, had more than 200 thousand miles. It regularly broke down, and many of the modifications didn't work properly. "The modifications are critical in allowing me to drive myself to and from work without relying on someone else," Rual said. "I also have to get my six-year-old daughter to school and her activities."

Rual asked DOR to modify a new vehicle he purchased himself. But the department denied his request. He contacted DRC and Rebecca Hoyt, advocate for the Client Assistance Program (CAP), represented him in an administrative hearing. The judge ordered DOR to make the modifications to Rual's van. "I am eternally indebted to DRC for helping me fight the bureaucracy to get what I need, to not only stay employed, but remain independent and help my daughter."

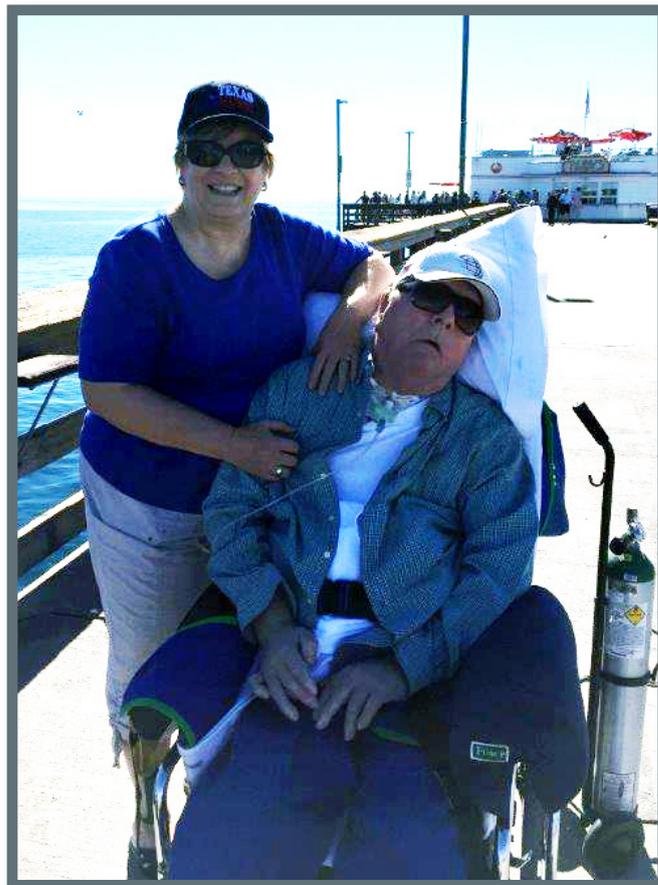
## COMMUNITY INTEGRATION

### DRC files suit so people can receive care at home

Jerry and Barbara Thomas have been happily married for more than 30 years. “When we were introduced, I just thought he was the nicest man I’d ever met,” she said. They were married seven years when Jerry developed a disability and needed round-the-clock care. Barbara and Jerry decided he needed to live in a nursing facility.

After 13 years, he nearly died from neglect while in the facility. They wanted to see if there was any way Jerry could live at home. In 2013, Barbara worked with the state to receive nursing and other services he would need to live at home. He was home just a few months when the state decided Jerry didn’t need that level of care and cut his hours. Barbara was stunned because Jerry’s needs hadn’t changed. “This was a life or death situation,” she said.

Barbara reached out to everyone she could find. She finally got the help she needed from DRC attorneys Betsy Havens and Elissa Gershon. They filed suit in federal court on behalf of the Thomas’ and several other individuals in similar situations. The suit challenged a state cost cap as arbitrary under the Americans with Disabilities Act (ADA). The ADA requires the state to provide



services so people can live in the community whenever possible. The case is set for trial in May 2016. “It’s wonderful working with an organization that not only understands what we are going through, but truly cares and shows compassion,” Barbara said. “This has given us hope.”

*“It’s wonderful working with an organization that not only understands what we are going through, but truly cares and shows compassion.”*



## DRC wins suit over In-Home Supportive Services hours

Three days before Christmas in 1988, Luis Soto was shot in front of his home as he was getting into his car to go to work. In addition to his wife, he had a six-year-old daughter and a three-year-old son. The incident left him with a traumatic brain injury.

His wife provided care for him through the In-Home Supportive Services (IHSS) Program. This allowed him to remain at home rather than live in a nursing home. After a review of his case in 2013, the county decided to cut the number of hours per month he received. Without those hours he could no longer live at home.

DRC attorney Elizabeth Zirker filed a state court lawsuit challenging the decision. In June 2015, the judge found Luis was eligible for the IHSS hours he had been receiving and was awarded back payments. Those payments went toward buying a home, providing Luis and his family with more stability.

## Client enjoys new life in the community

Patty Valdez loves drawing pictures. It's one way she communicates. Her pictures decorate the walls of her apartment, a place she proudly shows visitors. She spent 21 years at the Sonoma Developmental Center (SDC). While there, Patty, who is hard of hearing, was never taught American Sign Language, so she made up her own signs and language to communicate. Even though she had difficulty communicating, she made it clear she wanted to move out of the SDC and live on her own.

It took nearly a year, but Rita Defilippis, Clients' Rights Advocate, was successful in getting Patty the services she needs to live in the community. In the fall of 2014, she moved into an apartment with a support person and enjoys her new environment. She's attending a day program where she's learning everything from quilting to cooking. Her sign language is improving, which makes it easier to communicate. She hopes to start working within a year, with the help of a job coach.



## Woman free from conservatorship

Autumn Whittlesey is a passionate 49ers fan. She was happily living in her own rent-subsidized apartment with supported living services – active in both peer support groups and her day program. All of that changed when she allowed her mother, who was also her conservator, to move in with her. Her mother began to control every aspect of her life, limiting contact with family and friends, as well as participation in her day program.

Eventually, Autumn reached out to her sister, Michelle, and told her how unhappy she was. Michelle contacted DRC’s Office of Clients’ Rights Advocacy. We helped Autumn terminate her conservatorship and move her mother out. “DRC’s help meant a lot to me,” Autumn said.

All of this wouldn’t have happened if she hadn’t remained strong, demonstrating she could make her own decisions. Today she enjoys the freedom of getting together with her sister, niece Lili, and her aunt as well as regularly attending family events. Even more, she’s once again, living independently, deciding what she wants to do every day. In December 2015, Brittnee Gillespie, Clients’ Rights Advocate, was there with her when DRC’s board of directors honored her with a Client Recognition Award for advocating for herself.



## **SPECIAL EDUCATION**

### **Students with disabilities bring complaint against the Oakland Unified School District and the California Department of Education**

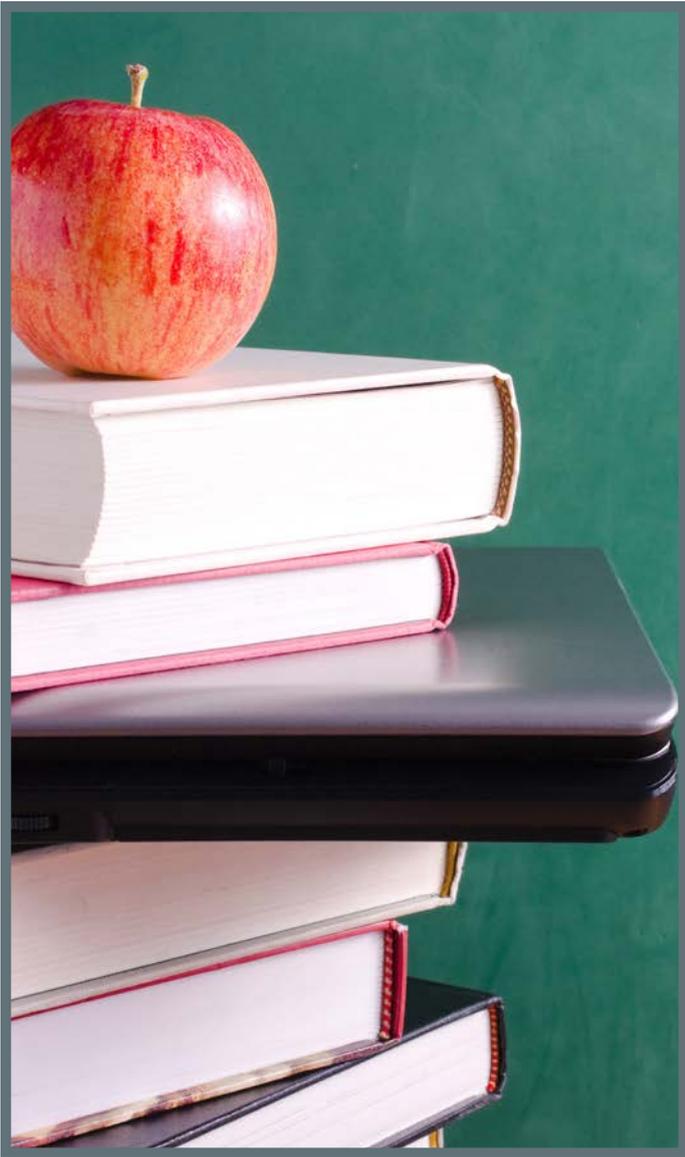
DRC filed a complaint with the California Department of Education in March 2015, on behalf of 10 students with disabilities, and all special education students in the Oakland Unified School District (OUSD). The complaint said the district's policies violate the rights of children with disabilities under the federal Individuals with Disabilities Education Act. It identified a number of problems, including failure to provide qualified staff.

One of the children named in the suit is a nine-year-old boy with a developmental disability. OUSD didn't provide him with any services for the first seven weeks of the school year. "DRC has serious concerns about OUSD's system for providing education to students with disabilities," said DRC attorney Maggie Roberts. The state ordered a number of systemic and individual remedies. But we don't think they are enough to fix the problems, and we are evaluating our next steps.

### **Students who are deaf and hard of hearing receive services to be successful in school**

It's now easier for students who are deaf or hard of hearing in Imperial County to receive the services they need. DRC attorneys Lauren Giardina and Mike Lombardi held community outreach events for families. Parents told them students were promised assistive technology devices, known as FM Listening Systems, but they never received them. The systems allow teachers to talk into a hand-held microphone that transmits the sound of the teacher's voice directly to a deaf or hard of hearing child's hearing aid.

Lauren and Mike also learned that students in the Deaf and Hard of Hearing program were required to attend one school from kindergarten through second grade and a different school from third through sixth grade. Parents felt this was disruptive for their children. Lauren and Mike met with county officials who immediately purchased and provided students with the FM Listening Systems. The county also consolidated its deaf and hard of hearing program on one campus, so students could attend one school from kindergarten through sixth grade just like students without disabilities.



*It's now easier for students who are deaf or hard of hearing in Imperial County to receive the services they need.*

## **HOUSING**

### **Tenant wins dispute over infestation**

Jake and his wife lived in the same apartment for 20 years. After his wife died he wanted to stay there even though his health was declining.

During a routine apartment inspection, maintenance personnel found a bug infestation. The property manager blamed Jake for the problem, claiming he failed to notify them before it got out of control. But he didn't see the bugs. He has a progressive eye impairment and can only see shadows and dark shapes. Still, the property manager expected him to pay for the damage caused by the bugs as well as the cost to clean up the apartment. Jake was also served with a 90-day notice to leave his apartment.

DRC attorney Deborah Gettleman asked the property manager to recognize Jake's disability as the reason he didn't report the bugs. Deborah asked that the 90-day notice be rescinded. However, Jake decided he wanted to move, so DRC negotiated an agreement so he could continue to qualify for subsidized housing. The agreement gave him additional time to find a new apartment and waived the money the property owner claimed he owed.

## **DRC TACKLES DISABILITY ISSUES IN CALIFORNIA JAILS**

### **Settlement reached for inmates with mobility disabilities in Los Angeles County jails**

DRC, led by attorney Melinda Bird, continued to advocate, on a number of fronts, for better accessibility and physical and mental health care for jail inmates. After a seven-year legal battle, DRC reached a landmark settlement in March 2015, with Los Angeles County to make jails compliant with the Americans with Disabilities Act. The class-action lawsuit was brought by Peter Johnson, a former inmate, who uses a wheelchair. When he was arrested and sent to the Los Angeles County Jail nine years ago, there was no wheelchair-accessible toilet available for him.

Under the settlement, the sheriff's department must buy and maintain hundreds of new wheelchairs and provide physical therapy on site for inmates. Johnson received a Client Recognition Award from the DRC Board of Directors in September 2015. "I'm thankful to DRC for not only helping me, but other inmates too," Johnson said. "Just because you're in jail, doesn't mean you're not a human being and don't have rights." Johnson, who is out of jail, said he is seeking full-time employment so he can be fully independent.

## **DRC conducts inspections of jails and juvenile facilities**

In spring 2015, DRC began a project to inspect four county jails and two juvenile detention centers. Attorneys Melinda Bird, Anne Hadreas and Rebecca Cervenak head the project. We wanted to assess inmate mental health care and the amount of time spent in solitary confinement. DRC is issuing reports of its findings and working with counties to make changes.

In its first report about the Sacramento County Jail, DRC found excessive use of solitary confinement and inadequate mental health care. "Prolonged time in solitary confinement, especially for prisoners with mental health disabilities, damages them psychologically," said DRC attorney Anne Hadreas. "Confining them to small cells for so many hours a day also violates the Americans with Disabilities Act and constitutional protections against cruel and unusual punishment."



## Two pro bono partners help champion jail reform

The efforts of two pro bono law firms – Cooley LLP and Winston & Strawn LLP – led federal courts to issue final judgements in lawsuits against jails in Fresno and Los Angeles in 2015.

Cooley LLP was DRC’s co-counsel in *Hall v. County of Fresno*. Under the proposed settlement with county officials, prisoners will no longer be denied adequate physical and mental health care. The Cooley firm contributed more than 1,000 pro bono hours, representing the work of more than a dozen attorneys.

Winston and Strawn LLP was DRC’s pro bono co-counsel in *Johnson v. LA County Sheriff’s Department*. The Johnson case involved the denial of wheelchairs and accessible showers and toilets to prisoners with mobility impairments in the Los Angeles jail. A settlement was reached with Los Angeles County to make the jails compliant with federal law. Through the course of litigation, partners provided invaluable strategic direction. More than 20 attorneys contributed 1,600 pro bono hours to the case.

*“I’m thankful to DRC for not only helping me, but other inmates too.”*



### THANKS TO OUR PRO BONO PARTNERS:

Cooley, LLP  
Davis Wright Tremaine LLP  
David Geffen Law  
Relman, Dane & Colfax PLLC  
Seyfarth Shaw LLP  
Winston & Strawn LLP

### AND TO OUR VOLUNTEER ATTORNEYS:

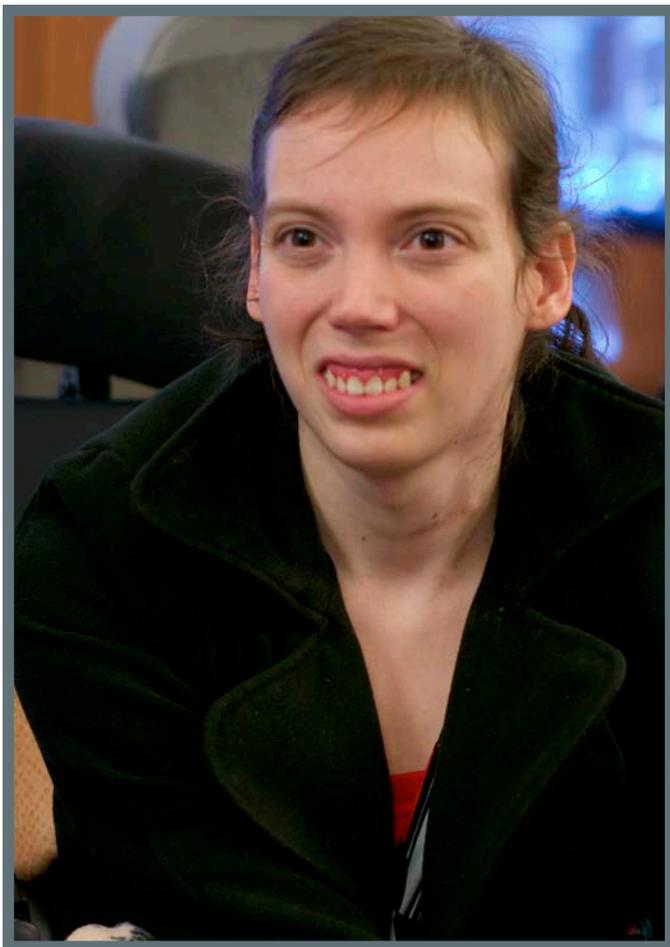
Michael Cullen  
Diva Jones  
Ramaah Sadasivam  
John Ward

## **ABUSE AND NEGLECT**

### **Client no longer restrained in hospital**

It's been a challenging year for Tyler Stolz. But she never lost her spirit. Her family could no longer provide the care she needed because she was having seizures. So she was placed in a nursing facility and then a hospital. While her physical health improved, the extended hospital stay was stressful and she experienced behavioral changes.

The hospital didn't know what to do so they restrained her in an enclosed bed. Being confined affected her speech and mobility,



and her physical and mental health. Pilar Gonzalez and Annie Breuer, Clients' Rights Advocates, got Tyler out of the hospital and attorney Leslie Morrison educated the hospital about the appropriate use of seclusion and restraint.

Tyler temporarily moved to Sonoma Developmental Center Crisis Unit. In a few short months her behavior, ability to express herself, and her social skills greatly improved. She is now deciding where she wants to live in the community. The DRC Board of Directors honored her with a Client Recognition Award at its December 2015 meeting.

## **LEGISLATIVE ROUND-UP**

### **Successes range from data reporting to timely state investigations**

Legislative successes this year included DRC's sponsored bill, AB 918, signed by Governor Brown. Legislative Advocate Evelyn Abouhassan, attorney Leslie Morrison and Executive Director Catherine Blakemore successfully worked on behalf of the bill. It requires the Department of Developmental Services to publicly report data it collects about the use of physical or chemical restraints in supported living and long-term health care facilities. Physical restraint devices and the practice of isolating individuals from the general population can lead to injuries, even death. State institutions

are already required to report about these practices. But as more individuals move into community facilities, it's crucial that they, also, have the same data-reporting requirements.

Legislative Advocate Brandon Tartaglia, Executive Director Catherine Blakemore, and attorney Leslie Morrison worked to require the Department of Public Health to complete complaint investigations in a timely manner. Some investigations have taken years to complete, and others were never completed, including complaints about death or other serious injuries. Beginning July 1, 2018, the department must complete investigations reported by a relative, the patient or resident themselves or a visitor within 60 days.



## **CIVIC PARTICIPATION**

### **No one should be denied the right to vote**

When DRC Board Member Jennifer Restle entered her San Diego polling place, she expected to cast her ballot as she had done many times before. The staff knew her. They were aware because she is blind she needs to use the accessible voting system. It allows her to vote privately and independently like everyone else.

“I was told the machine calibration had been off earlier in the day and they needed to call a technician to fix it. They had no idea how long it would be before the tech came, so I went home.”

Jennifer contacted DRC attorney Fred Nisen who called the county registrar of voters and explained the problem. He found the poll workers never contacted a technician. Nisen made sure they did and eventually Jennifer was able to vote. “If it wasn’t for DRC, I wouldn’t have known what to do to resolve the problem,” she said. In addition to advocating on her behalf so she could vote, Nisen gave her information about how to file a complaint with the Secretary of State, which Jennifer did.

## MENTAL HEALTH

### Friend-of-the-court brief describes how United Health Care violates mental health parity laws

United Health Care (UHC) denied Ms. Fradenburg's request for weekly therapy after she had 20 visits in six months. She filed suit and the case is now on appeal. DRC, Mental Health Advocacy Services, Project Return and the California Psychiatric Association filed an amicus brief or friend of the court brief in support of Ms. Fradenburg. The brief describes the benefits of long-term therapy for people in Ms. Fradenburg's situation and how UHC's actions violate federal mental health parity requirements.

*"I feel so much better," he said. "Now I can eat."*

### State reverses policy denying dentures to state hospital residents

Gabriel Nava who's lived in a state hospital for more than a decade, had to have most of his teeth extracted. That's because the hospital took so long to repair his teeth after he reported problems. He asked for partial dentures, but was on a waiting list for years. He had trouble eating and drinking. Gabriel wasn't the only one with dental issues.

He and other residents asked DRC to investigate why they couldn't get full and partial dentures. The investigation showed it was easier for California prisoners to get dentures than psychiatric patients at state hospitals. One resident who didn't have teeth or dentures, reportedly choked to death when he was accidentally given a regular meal tray.

DRC attorneys Melinda Bird and Richard Diaz contacted the director of the Department of State Hospitals to correct the problem. This included bringing in an outside dental consultant to revamp the statewide dental program. Since September, seven of DRC's nine clients, including Gabriel, have received full or partial dentures. "I feel so much better," he said. "Now I can eat."

## PEER SELF-ADVOCACY

### PSA presented trainings on mental health parity law at Mexican Consulates

Our Peer Self-Advocacy program presented trainings about the mental health parity law at the Mexican Consulates in San Francisco and Fresno. The law requires that health insurers provide equal coverage for physical and mental health disabilities.



Peer Self-Advocacy Coordinator Leo Alfaro said the goal was to educate the Spanish-speaking community about their rights under the law and how to advocate for themselves. We also shared information about DRC services and how to reduce the stigma of mental health challenges. “The information was well-received and participants asked a number of questions,” Leo said.

## RURAL OUTREACH

### Spanish-speaking seniors learn about program to help those who are blind

Spanish-speaking seniors learned about services provided under the “Older Individuals who are Blind” program. It was sponsored by Fresno’s Valley Caregiver Resource Center in Fresno on June 26, 2015. Michael Thomas, senior advocate from the Sacramento Regional Office conducted the training and Teresa Rodriguez, administrative assistant from the Fresno Satellite Office provided Spanish interpretation.

Michael discussed the programs eligibility criteria and the services offered, especially to people whose sight has decreased. Participants were interested in how technology could help them. Michael demonstrated how his talking calculator, watch, and iPhone are accessible.

*Spanish-speaking seniors learn about the “Older Individuals who are Blind” program.*





*Image by Laura  
Rasey Miller, parent  
and artist*

## **PLEASE GIVE**

### **DRC board adopts seclusion and restraint fundraising campaign**

In January 2016, police arrested a teacher's aide at Tobinworld school in Antioch on suspicion of felony child abuse. The arrest followed the distribution of a video showing the aide restraining and abusing a student.

This story is all too common for children with disabilities in California schools. There are no limitations or regulations governing the use of seclusion except that the rooms can't be locked.

DRC's Board of Directors launched a fundraising campaign to stop the use of restraint and seclusion in schools. Please give to our campaign to raise awareness about these practices and reform California laws to eliminate them.

# Disability Rights California

# **FAST FACTS**

## Fiscal Year 2015

### Number of **PEOPLE WE SERVED** including:



**11,551** developmental disabilities  
**10,441** mental health disabilities  
**1,610** physical and sensory disabilities  
**25,736** total number of people assisted  
and nearly **500,000** people with legal problems were helped

### Number of **PEOPLE EDUCATED** about disability-related issues:



**807** trainings and community outreach events  
**40,005** total number of people reached

### Number of **PEOPLE WHO BENEFITED** from online resources:



**778,454** website visits  
**221,083** publications downloaded

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.

### **ANYONE CAN HELP**

Send donations to:

Disability Rights California  
1831 K Street  
Sacramento, CA 95811-4114

Or donate via credit/debit card by calling Toll Free 800.776.5746  
or online at [www.disabilityrightsca.org/about/donate.htm](http://www.disabilityrightsca.org/about/donate.htm)

# Disability Rights California

## STATEMENT OF ACTIVITIES

Fiscal Year Ended September 30, 2015

### Revenue and Support

Fiscal Year 2015

U.S. Federal Grants	\$10,440,347
State of California DDS/DSH	\$7,875,281
The California State Bar	\$2,354,251
Program Income/Attorney Fees	\$789,481
Miscellaneous Income/Other Contracts/Interest Income	\$809,743
Donations	\$27,998

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**Total Revenue** **\$22,297,101**

### Expenses

Program Services	\$18,988,515
General and Administrative	\$2,407,837

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**Total Expenses** **\$21,396,352**

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**Change in Net Assets** **\$900,749**

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