

## ADVOCACY REPORT

### OFFICE OF CLIENTS' RIGHTS ADVOCACY

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Fall 2011

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#### BENEFITS

##### In-Home Support Services (IHSS)

##### *IHSS Protective Supervision Hours Reinstated.*

E.C. has numerous disabilities, which include severe cerebral palsy, moderate intellectual disability, anxiety disorder, obsessive compulsive disorder, significant scoliosis, chronic muscle spasms, severe right knee contracture and severe premenstrual syndrome. After an annual reassessment of E.C. by her county worker, E.C. was found no longer eligible for IHSS protective supervision and her IHSS hours were reduced from 269 to 74 hours per month.

OCRA helped E.C. file an appeal to request a hearing challenging the county's reduction of her IHSS hours. At the hearing, the county worker testified that E.C. knew her phone number and address and appeared to understand danger.

OCRA provided an Assessment of Need form from her doctor that stated E.C. has severe short-term memory loss and cannot remember what happened earlier in the day, that her judgment is severely impaired and that she will open the door to strangers, has misused a microwave and does not understand interpersonal boundaries.

The administrative law judge (ALJ) concluded that the evidence supported E.C.'s need for protective supervision and not only reinstated her protective supervision hours, but also increased her personal care hours for a total to 277 hours per month. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

**G.M. Gets Protective Supervision and \$20,000 Retroactively.**

G.M. is an adult who was approved for 90 hours a month of IHSS. G.M.'s father had requested protective supervision because G.M.'s doctor felt, upon G.M.'s release from a psychiatric hospital, that G.M. needed to be supervised at all times. OCRA assisted G.M.'s father with the appeal. After talking to the appeals specialist, G.M.'s father signed a conditional withdrawal so that the county could reassess G.M. for protective supervision within one month. For the next three months, the county stated it was still reviewing the case. The county never performed a reassessment, so G.M.'s father requested the hearing be reinstated.

OCRA advised G.M.'s father to clarify at hearing that protective supervision is needed not because of G.M.'s Prader Willi syndrome, which causes G.M. to overeat and is a medical condition, but because of G.M.'s intellectual disability and impairments in memory, orientation, and judgment. OCRA also advised G.M.'s father as to what documents to include in his hearing packet, reviewed his paperwork, helped him organize his hearing packet, and made copies for the hearing. After the hearing, G.M.'s father called us to tell us he thought he had lost the case based on his reading of the decision. OCRA reviewed the decision and explained to the father that he won the case, and G.M. was made eligible for protective supervision retroactively. G.M. will receive approximately \$20,000 in retroactive payments. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

**IHSS Recipient's Hours Increased to 266 after Due Process.**

Parents of 9-year-old V.R., who has severe intellectual and physical disabilities requiring constant care, received a notice that V.R.'s IHSS hours had been reduced from 239 to 91. The county alleged that the non-provider spouse in a two-parent household was an alternative resource. OCRA helped the father to develop a work schedule chart and had him obtain letters from his employer substantiating his 60-hour work week. A hearing was held at which OCRA successfully requested a continuance, the ALJ agreed to continue aid paid pending, and both parties agreed that the issue was not how much

father was working but whether the regulation upon which the county was relying was valid.

OCRA attended the IHSS reassessment. OCRA reviewed the county file which showed assessments of actual need which did not appear in the county's notice, as well as old notices showing that the county had awarded increasing hours during the past 5 years, consistent with the 239 hours that the county now sought to reduce.

OCRA represented V.R. at a second hearing. On the morning of the hearing, the county representative called to say that the county agreed to reinstate the hours. OCRA then met with the parents and the county at the hearing and agreed to an increase of hours from 239 to 266. Margaret Oppel, Interim CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

**County Agrees That Z.W. Meets Criteria for Protective Supervision.**

Z.W.'s mother is monolingual Mandarin Chinese speaking. She informed OCRA that IHSS refused to consider evidence that supported that her son needed more hours of IHSS.

OCRA requested a copy of Z.W.'s regional center records and gathered documentary evidence in support of Z.W.'s need for more hours of IHSS, including protective supervision. Z.W. is completely unaware of danger. Once Z.W. had turned the stove on and caused a small kitchen fire. OCRA advised F.L. to obtain another form from Z.W.'s doctor to provide to IHSS. Then, OCRA contacted the county hearing specialist to discuss Z.W.'s needs. The hearings specialist agreed to conduct a reassessment, as there were several medical forms that were not considered. OCRA maintained that if an increase of hours was granted, it would be retroactive to the date of application. The county agreed to this.

Following the reassessment, F.L. contacted OCRA with the news that Z.W. had been approved for 195 hours of IHSS, including protective supervision. Jackie Chiang Dai, CRA, Lucy Garcia, Assistant CRA, Maria Santoyo-Borjas, Temporary Assistant CRA, Eastern Los Angeles Regional Center.

**M.C. Obtains 283 Hours Per Month of IHSS.**

M.C. is an 8-year-old child who was denied IHSS protective supervision hours because the county social worker did not observe dangerous behavior during her home visit to assess M.C. M.C.'s doctor certified that M.C. has severe impairments in memory, orientation, and judgment, and the social worker knew that M.C. had run out of the house into the street on more than one occasion. M.C.'s regional center service coordinator verified that M.C. needs constant supervision due to her limited safety skills and that she runs away when not supervised. OCRA provided technical assistance to M.C.'s mother, a monolingual Spanish speaker, who represented M.C. at hearing. Although four county representatives attended the hearing, making M.C.'s mother's feel that the hearing had gone badly, the judge awarded 283 hours, the maximum number of IHSS hours allowed by law, including protective supervision. Alba Gomez, Assistant CRA, San Diego Regional Center.

**Medi-Cal**

**A.B. Regains Zero-Share of Cost Medi-Cal.**

A.B.'s father contacted OCRA for advocacy assistance in getting his son's zero-share of cost Medi-Cal reinstated. A.B. received Supplemental Security Income (SSI) linked Medi-Cal with a zero-share of cost. A.B.'s SSI benefits were then switched to another program called Disabled Adult Child (DAC) benefits. At that point, the county then re-determined A.B.'s Medi-Cal eligibility and changed his coverage to include a \$785 per month share of cost.

A.B.'s father appealed the county's decision and contacted OCRA. OCRA contacted the hearing specialist and discussed that under federal law, people who lose SSI because they start receiving DAC benefits must be treated for Medi-Cal purposes as if they were still receiving SSI, which includes zero-share of cost Medi-Cal. OCRA provided the hearing specialist with the federal statute. Upon review of the statute, the county agreed to change A.B.'s share of cost back to zero under DAC Medi-Cal. Veronica Cervantes, CRA, Beatriz Reyes, Assistant CRA, Inland Regional Center.

### **J.R. Obtains Medi-Cal without a Share of Cost.**

J.R. lost his Medi-Cal when his mother forgot to return some forms to the county. Although J.R. has private insurance and Medicare, he relied on his Medi-Cal in order to remain eligible for IHSS. His mother re-applied for Medi-Cal for J.R., but once approved, he had a large share of cost because he receives Social Security Disability benefits. The county failed to place him into a disability-linked Medi-Cal program.

OCRA contacted a supervisor at the county and provided the supervisor with proof of disability, income, and the fact that J.R. incurs three health care premiums: Medicare, private health plan, and dental plan. These health coverage expenses reduce his countable income to below the Aged and Disabled Federal Poverty Level (A & D FPL) ceiling and thus make him eligible for Medi-Cal with zero-share of cost. The county agreed and sent a new notice reflecting his eligibility for zero share of cost. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **Social Security**

#### **SSA Waives Overpayment.**

K.N. acts as her own payee for Social Security benefits. After she was laid off from work, K.N. reported her unemployment benefits consistently and on a routine and regular basis. Despite her compliance with reporting requirements, the Social Security Administration (SSA) alleged that she had been overpaid.

K.N. never filed a request for reconsideration. OCRA was contacted for assistance. OCRA contacted the SSA and assisted with the filing of a waiver request including the necessary documentation and evidence. SSA waived the overpayment of \$3,630. Leinani Walter, CRA, Valley Mountain Regional Center.

**R.B. Gets Benefits Reinstated and \$50,323 Overpayment Cleared.**

R.B. works at a courthouse job site through supported employment. He also receives Social Security benefits under the DAC program. R.B.'s mother, who is his representative payee, received a notice that R.B.'s disability had ended and he had incurred an overpayment of \$50,323, because he was allegedly performing substantial work by earning over \$1,000 per month. R.B. and his mother contacted OCRA for help.

OCRA asked R.B.'s supervisor about R.B.'s work and then asked the supervisor to complete the Work Activity Questionnaire, a SSA form that asks about subsidy and working under special conditions. OCRA learned that one of the job requirements is that workers must have a developmental disability. R.B.'s employer certified that he works 40 hours per week and has a job coach for 40 hours per week. R.B. requires extra help and supervision and has fewer and easier duties, and must meet lower production standards than an employee without a disability in a similar job.

OCRA filed an appeal of the disability cessation and ask for expedited reinstatement of R.B.'s benefits. OCRA provided evidence of subsidy and special employment conditions, which meant that R.B. was not performing substantial work, is still eligible for benefits, and the overpayment should be cleared. The SSA agreed, reinstated R.B.'s benefits, and cleared the overpayment. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

**SSA Agrees to Reinstate Payments at the Current Benefit Rate.**

M.G. and his mother contacted OCRA for assistance in reinstating M.G.'s SSI benefit payments. The SSA had been reducing, and eventually stopped, M.G.'s payments based on child support income that M.G. should have been receiving from his father.

Additionally, the SSA removed M.G.'s mother as his representative payee after the family moved to the Central Valley. The Central Valley SSA also refused to accept any income statements from M.G.'s mother, telling her that because she was not the representative

payee, it could not accept the information she submitted. M.G. was then assessed an overpayment of more than \$7,000 and a substantial amount of money was withheld every month to repay the overpayment. Subsequently, the SSA stopped providing all benefits to M.G.

OCRA assisted M.G. in filing a Request for Reconsideration and represented M.G. at his SSI informal conference where OCRA was able to correct the record. M.G. had not been receiving child support payments for the majority of 2011. M.G.'s SSI payments were reinstated and his current overpayment amount was reduced. M.G. was then awarded retroactive benefits and the current amount withheld from his SSI check was reduced to an amount he could afford. Kendra McWright, CRA, Maricruz Magdaleno, Temporary Assistant CRA, Central Valley Regional Center.

### **Consumer Found Eligible for SSI Benefits.**

R.C. was denied eligibility for SSI benefits. His only income came from his work at a sheltered workshop. This income did not provide him with enough money to buy food or live on his own.

OCRA assisted R.C. in filing a Request for Reconsideration. Throughout this process, OCRA helped R.C. get transportation to his appointments at the SSA, to fill out paperwork to submit to the SSA, and to obtain food stamps.

R.C.'s Request for Reconsideration was granted. He was found eligible for SSI. R.C. is now planning on moving into his own home. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

### **Other Benefits**

#### **J.S. to Receive Needed Wheelchair from CCS.**

J.S. is an 8-year-old who lives with his family. J.S. receives SSI and Medi-Cal. J.S.'s mother contacted OCRA for help in getting a wheelchair for J.S.

Since September, 2010, J.S.'s mother had submitted multiple prescriptions from a California Children's Services (CCS) panel physician who determined medical necessity and submitted a treatment authorization request (TAR) for J.S.'s wheelchair evaluation. CCS failed to process the TAR and J.S. was never evaluated by CCS staff or its vendor. By April, 2011, J.S.' parent had arranged for an independent evaluation.

OCRA assisted J.S.'s parent in understanding the authorization process for CCS services and medically necessary durable medical equipment. OCRA contacted J.S.'s CCS nurse case manager to discuss J.S.' continuing need for a wheelchair. OCRA provided CCS with a copy of the independent wheelchair evaluation and equipment recommendation. Due to the length of time since the independent evaluation, OCRA arranged an appointment for J.S. with a CCS medical therapy unit physician to review and update the information contained in the independent assessment. J.S.'s CCS nurse case manager agreed to attend the scheduled appointment and also arranged a CCS social worker referral for the parent. J.S. attended the evaluation appointment with the CCS physician. CCS agreed to the equipment recommendation of the independent evaluator and J.S. is due to receive a wheelchair. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

## **CRIMINAL LAW**

### ***Criminal Charges Dropped and Placement Obtained for Y.Q.***

Y.Q., a young adult consumer with a traumatic brain injury, had been charged with felony assault because she had allegedly attacked a teacher at school. OCRA met with Y.Q. and her parents and obtained needed releases to discuss the case with the public defender, the SELPA Director and the regional center. OCRA coordinated the preparation of the evidence needed to educate the court about Y.Q.'s impairment and the progress being made to obtain placement through the IEP process. The court permitted placement of Y.Q. during the pendency of the criminal proceedings. The criminal charges were ultimately dismissed. Margaret Oppel, Interim CRA, Tri-Counties Regional Center.



## **DISCRIMINATION**

### **OCRA Advocates against NIMBY-ism.**

The regional center informed OCRA that several medically fragile consumers were being discriminated against because of their disabilities. The consumers required advocacy assistance. A new vendor had received a grant for \$90,000 to open a 6-bed home to fulfill unmet placement needs in the foothills area. The home owners association was trying to prevent the project from moving forward. Neighbors began to harass the new vendors with calls, emails, and inappropriate calls to law enforcement.

Threats to prevent the care home from opening in the private community alerted regional center staff, and Area Board 6. The regional center had approved the location and viewed the community as aesthetically pleasing. OCRA attended the home owner's association meeting with the Area Board 6 and regional center with resources and information to share. The regional center notified OCRA that despite efforts to stop the purchase of the home and vendorization of the provider, escrow closed. Six consumers will shortly have an appropriate new home in the community. Leinani Walter, CRA, Christine Hager, Assistant CRA.

## **HOUSING**

### **Consumer and Family Receive Transitional Housing Services.**

T.V. and her son receive regional center services. T.V., her husband, and young son were living in subsidized housing that was not habitable. They complained for two years but the conditions were not corrected. They finally moved out and ended up in a homeless shelter in another county which was still in their regional center catchment area.

OCRA met with the family and the regional center. It was determined that the school in the second county offered better services for the son and the family wanted to stay in that county. OCRA assisted the family in applying for SSI benefits and had several conversations with

the agency that ran the shelter. The agency has a transitional housing program. T.V. and her family were granted an apartment and transitional services. They now have a year to find permanent housing. Katy Lusson, CRA, Assistant CRA, Trina Saldana, Golden Gate Regional Center.

**Temporary Restraining Order (TRO) Modified in Housing Case.**

K.S. is an adult who has lived with his family in the same apartment for many years. He began going upstairs and knocking on his neighbor's door and asking very inappropriate questions. The neighbors called the police several times and spoke with K.S. and his family but the behavior persisted. The neighbors then obtained a temporary restraining order (TRO).

The forensic social worker from the regional center called OCRA for support in modifying the TRO, as the original TRO would have prevented K.S. from staying in his home. The TRO was subsequently modified with a permanent order allowing K.S. to remain in his home. Counseling and additional support services were also put in place for K.S. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

**REGIONAL CENTER**

**Dental Services Funded by Regional Center.**

Dental surgery was performed on M.H. in January, 2011. The regional center agreed to pay for the amount for the procedure that was not covered by insurance, which was the consumer's co-pay.

For medical reasons, M.H. had to wait for the second phase of her dental work, which was scheduled for August, 2011. M.H.'s parent made a timely request for the regional center to fund the uninsured portion or co-pay for the second phase of the surgery.

The regional center denied funding and stated that it was the responsibility of the parent to pay for the second surgery for the adult

consumer. OCRA met with the regional center executive director to explain OCRA's position that the regional center should complete payment for the second and final phase of the dental surgery. After the director met with his team, OCRA was invited to join the group and the team decided that the regional center would pay for the co-pay for the second phase of the dental surgery. Christine Hager, Assistant CRA, Valley Mountain Regional Center.

### **OCRA Intervenes When Consumers Dissatisfied with SLS Provider.**

T.V. and his wife are both individuals with disabilities. They live in an apartment complex with SLS services. The agency that serves them also serves many of the other regional center residents in the complex. There were several meetings with the agency, other residents, and the regional center.

T.V. and his wife were not satisfied with the services. They called OCRA because they felt that the agency was not being responsive to their needs. OCRA called the supervisor at the regional center and arranged for a meeting with the residents and the apartment complex. As a result of that meeting, T.V. and several other residents terminated services with the SLS agency and began receiving services from another vendor they had requested. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

### **Regional Center Eligibility for A.R.**

A.R.'s grandmother had custody of A.R. and previously submitted an eligibility application to the regional center on A.R.'s behalf. OCRA agreed to assist A.R. with the preparation and submission of a new application and obtained an evaluation. The regional center had a new evaluation of its own performed. In the initial application, A.R. had sought eligibility for regional center services on the basis of autism. However, both evaluations completed for the second application focused on 5th category eligibility, finding that A.R. needed services or treatment similar to people with intellectual disabilities, although autism was also considered. Nonetheless, the regional center denied eligibility again, and OCRA submitted a hearing request for A.R.

At the informal conference, which is part of the regional center due process, OCRA assisted the grandparents in providing a lengthy explanation of A.R.'s limitations. Following lengthy discussions at the informal conference, and subsequent fact-checking of the anecdotal information provided, the regional center granted eligibility on the basis of autism. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

**D.L. Gets 40 Hours of Home Nursing.**

Before aging out of the EPSDT Medi-Cal program when he turned 21, D.L. was receiving 80 hours per week of LVN-level home nursing services. These services stopped on his 21<sup>st</sup> birthday and D.L. was transferred to the Nursing Facility/Acute Hospital Medi-Cal Waiver program. Under that program, D.L. was only eligible to receive 35 hours of LVN nursing per month with 266 hours per month of IHSS. D.L. asked the regional center for 70 hours a week of LVN home nursing services to fill the gap created when he aged out of the EPSDT program. The regional center denied his request stating that IHSS was a generic resource that D.L. could use to fill the gap, because he could convert the IHSS to LVN nursing hours instead. This conversion would only account for 70 hours of LVN and not allow for a number of IHSS services to be performed, including laundry, meal preparation, accompaniment to medical appointments and other IHSS services. OCRA argued that D.L. needed both the IHSS service hours and the LVN nursing services because each served a different purpose and both were needed to meet D.L.'s individual needs. OCRA filed for hearing and represented D.L. in negotiations. OCRA maintained that IHSS was not a generic resource that D.L. had to utilize to pay for home nursing services. The regional center considered D.L.'s argument and agreed to provide 40 hours of LVN nursing services in the home without requiring that D.L. give up his IHSS. Eva Casas-Sarmiento, CRA, Abbey Perez, Assistant CRA, Harbor Regional Center.

### **OCRA Provides Direct Representation at Hearing for ABA/ DTT Services.**

For almost two years, I.G., the mother of 6-year-old R.S., had requested applied behavioral analysis and discrete trial training (ABA/DTT) services for R.S. I.G. had obtained an independent assessment which confirmed R.S. needed ABA/DTT. The regional center denied providing ABA/DTT and instead offered parent training. OCRA agreed to represent R.S.

On the second day of the hearing, after OCRA began presenting evidence, the regional center asked for negotiations to take place. As a result, a settlement agreement was reached. R.S. is currently receiving 60 hours a month of ABA/DTT services. Mary Melendrez, CRA, South Central Los Angeles Regional Center, Jackie Dai, CRA, Eastern Los Angeles Regional Center.

## **SPECIAL EDUCATION**

### **Student Receives Accommodation in School Honors Program.**

R.V. is a student with a seizure disorder that has been unresponsive to medication. She has many seizures throughout the day that leave her tired and unable to complete the amount of homework necessary in her junior high school honors program. R.V. has always excelled in her schoolwork and she wanted to stay in the honors class. In order to do so, she required an accommodation.

OCRA strategized with R.V.'s mother about how to best present the information, documentation, and the request. R.V.'s mother called OCRA after an independent education plan (IEP) meeting to let OCRA know that all of the necessary accommodations were going to be put into place immediately. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

### **OCRA Secures Appropriate Program for Student.**

A.M. has very little speech but is bright and wants to learn. He was placed in a county class with students more cognitively involved than

he was. A.M. was leaving the classroom and wandering in the hall. There was not a bathroom near the classroom and he was soiled for much of the day. A.M. had no academic goals in his IEP. His mother felt that it was not healthy or safe for A.M. to continue in his current class and requested an emergency IEP.

OCRA met with A.M.'s mother before the scheduled IEP and reviewed A.M.'s assessments, IEPs, and documentation regarding the unsafe environment. OCRA advised A.M.'s mother about the need for additional documentation from doctors and therapists. Relevant federal and state laws were discussed.

A.M.'s mother called after the meeting. A.M. was being transferred immediately to a different site. A 1:1 aide was assigned and the IEP team developed goals and objectives consistent with his needs. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

#### **B.T. Returns to School with Behavior Services.**

B.T. is a high school student with autism who was suspended for assaulting school staff. The district informed B.T.'s parents that B.T. was being placed into an alternative educational setting as the district felt B.T. presented a danger to staff and students. OCRA represented B.T. at the manifestation determination meeting. B.T.'s behavior was found to be related to his disability and the district had failed to implement B.T.'s IEP and behavior plan. The district agreed to return B.T. to his school placement and to conduct a Functional Analysis Assessment so that an appropriate behavior intervention plan could be developed. Rita Defilippis, CRA, San Andreas Regional Center.

#### **OCRA Secures Less Restrictive Placement for Student.**

J.P. is a first grade student with autism whose parents had repeatedly tried to get their son into a less restrictive setting without success. Despite their disagreement, the parents signed J.P.'s IEP at end of the school year knowing they would home school J.P. and not utilize the IEP. In the fall, the parents disenrolled J.P. from school and educated him at home. In December, the parents tried to re-enroll J.P., but again were offered only the inappropriate, restrictive placement. The parents

contacted OCRA for help. OCRA represented J.P. at two IEP meetings and negotiated a mutually agreed upon, less restrictive, temporary placement while new assessments were completed which could determine J.P.'s placement needs. Following assessment, it was determined that J.P. was doing well and was appropriately placed in the temporary placement. The IEP team agreed to adopt it as J.P.'s placement. Rita Defilippis, CRA, San Andreas Regional Center.

**Student Gets Desired Transition Programming in Spite of School District Having Issued a Diploma.**

At J.J.'s June, 2011, IEP meeting, J.J. found that because the district had placed him on a "diploma track," J.J. would not be allowed to participate in the transition program he wanted to attend. J.J. told the other members of the IEP team that he wanted and needed to be in the transition program, and that he did not know that receiving a diploma would make him ineligible. J.J. asked the district not to give him a diploma, but the district denied his request. J.J.'s regional center case manager contacted OCRA on his behalf.

OCRA reviewed J.J.'s school records and found that J.J. had always attended a special day class for his core curriculum subjects, and that he had not met the required standards for completion of the general education high school curriculum. OCRA presented this information to the school district, and requested that J.J.'s status be changed to reflect his eligibility for transition programming. OCRA received no response. When the new school year's transition program was about to begin, OCRA advised the district that an OAH complaint was about to be filed regarding the issue. The district then met with J.J. and OCRA and J.J. was immediately admitted to the transition program of his choice. Celeste Palmer, Associate CRA, Regional Center of the East Bay.

**District Ordered to Provide Compensatory Special Education Services and Complete Independent Education Evaluations.**

E.B.'s parent called OCRA for legal assistance when the school district failed to provide education services during the extended-school year. Although E.B.'s IEP stated services would be provided during the extended-school year, the school district did not provide a

health care aide as stated in the IEP. OCRA agreed to contact the school district and also review recent assessments. After not receiving a reply from the school district, OCRA filed a compliance complaint with the Department of Education alleging that the school district failed to provide services during the extended-school year or reply to OCRA's requests for Independent Education Evaluations. The Department of Education found that the school district was out of compliance and ordered the school district to complete the Independent Education Evaluations and provide compensatory services in tutoring, speech and occupational therapy. Timothy Poe, CRA, Frank D. Lanterman Regional Center.

**OCRA Persuades School District to Comply With Previous Settlement Agreement Regarding Services.**

M.R.'s mother had previously retained an attorney to file a due process hearing against the school district regarding the amount of time M.R. should be pulled out of general education to attend the learning center to work on math and reading skills. M.R.'s mother felt the school district's recommendation to pull M.R. out of general education a total of 450 minutes per week was excessive and not the least restrictive environment. M.R. had previously made the honor roll with minimal pull-out services in his general education curriculum.

The matter was resolved through a written settlement agreement between the mother, her attorney and the school district. The agreement stated that pull-out services would be limited to 225 minutes per week. However, after new assessments were done the school district recommended increasing the pull-out service to 480 minutes per week. When the mother's attorney was not able to continue representing on this matter, M.R.'s mother asked OCRA for assistance. OCRA agreed to attend an IEP meeting. The IEP team agreed to comply with the previous settlement agreement. Mario Espinoza, CRA, Kern Regional Center.

**R.W. Retains Educational Placement.**

Five years ago, R.W.'s IEP team determined that R.W.'s home school could not meet her educational needs, and placed R.W. at another school within the district. Subsequent IEP teams determined that



R.W.'s placement remained appropriate, including the team at R.W.'s last IEP in June. On the second Thursday of this school year, the school principal notified R.W.'s parent that Friday would be R.W.'s last day, and on Monday, R.W. would be attending a new school. The school principal and the Director of Special Education denied R.W.'s parent an IEP to discuss this issue. On Friday, while R.W. was still in class, the school principal had all of R.W.'s belongings packed and sent to the new school. The CRA wrote a due process complaint and request for "stay put" that R.W.'s parent filed, so that R.W. could remain in her current placement. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

## **OUTREACH/TRAINING**

### **OCRA and Regional Center Co-Present at Training.**

Jim Stoepler, the CRA for consumers at Redwood Coast Regional Center (RCRC), Ukiah, and Claudia Gomez, the eligibility specialist at RCRC, worked together to prepare a training on regional center eligibility. Yulahlia Hernandez, the CRA for consumers at North Bay Regional Center, assisted with the preparation and was available at the training to translate. RCRC welcomed and assisted the people who attended the training event.

Participants at the training had very thoughtful questions and comments. One participant noted, "The panel did an excellent job of presenting complex information clearly." Another participant stated, "It is good to see the attention that the eligibility process gets." Participants and presenters all enjoyed the opportunity to spend time together discussing this important topic. Jim Stoepler, CRA, RCOOC, Yulahlia Hernandez, CRA, North Bay Regional Center, Gail Gresham, Supervising CRA.