

# ADVOCACY REPORT

## OFFICE OF CLIENTS' RIGHTS ADVOCACY

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Spring 2011

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### BENEFITS

#### Adoption Assistance Program (AAP)

##### *AAP Reinstates Payments after Acknowledging Defective NOA.*

R.G., an 18-year-old consumer, received a notice of action (NOA) dated April 3, 2011, stating that she did not meet the age guidelines for the Adoption Assistance Program (AAP) and therefore her AAP would be terminated effective April 30th.

OCRA agreed to evaluate and assess her matter and reviewed the NOA. The NOA did not meet the 30-day notice requirement so it did not constitute a proper NOA. OCRA advised R.G.'s mother regarding that fact that AAP does not have to terminate at the age of 18. OCRA helped the mother file an appeal. Consequently, AAP rescinded the NOA and provided a new NOA stating that R.G.'s AAP will continue. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

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

##### *Protective Supervision Received.*

R.P. was having increased behavioral issues at home. R.P.'s mother is her IHSS provider. She was struggling to provide enough support to R.P. because R.P. had needs that exceeded the 195 hours of IHSS per month that R.P. was allocated.

R.P.'s mother contacted OCRA for assistance. As part of OCRA's evaluation of R.P.'s services at home, OCRA scheduled a meeting to review R.P.'s IHSS records. OCRA was concerned that R.P. was not

receiving more IHSS hours. When asked, the IHSS worker stated that the policy for children was to provide a maximum amount of 195 hours per month. OCRA explained that this was incorrect and that R.P. was in need of protective supervision.

R.P.'s IHSS case manager called OCRA the following day, stating that R.P. was eligible for the maximum amount of IHSS protective supervision hours. R.P. is now eligible for 283 hours of IHSS support. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

**M.G. Secures 195 Hours of IHSS Protective Supervision.**

M.G.'s parent contacted OCRA for assistance in preparing for M.G.'s hearing to appeal the County's determination that M.G. did not qualify for protective supervision services under the IHSS program. OCRA agreed to review the numerous records and helped the parent prepare the evidence and a brief prior to hearing. M.G. received a favorable decision awarding him 195 hours of protective supervision. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

**K.M. Obtains Protective Supervision.**

K.M. was denied IHSS protective supervision. The CRA assisted K.M.'s mother in appealing the denial and preparing for hearing. K.M.'s mother provided the County Representative with medical and educational records that substantiated the need for protective supervision services. K.M.'s mother agreed to the County's request to conduct a 30-day reassessment. Based upon the newly submitted documents, a hearing was avoided, and K.M. was found eligible to receive protective supervision. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

**Successful IHSS Hearing Due to Technical Assistance from OCRA.**

H.C. is a regional center consumer with severe autism, a seizure disorder and a sleep disorder who was denied protective supervision by IHSS. H.C.'s parent contacted OCRA to request assistance to

appeal the decision. OCRA provided technical assistance to the parent by helping her prepare her hearing position statement and evidence packet. The parent represented H.C. at hearing and received a favorable decision. H.C.'s hours were increased from 237 to 272 hours for protective supervision. Filomena Alomar, Assistant CRA, San Andreas Regional Center.

**ALJ Agrees that A.S. Qualified for Protective Supervision.**

A.S. came to OCRA's office with her sister and primary caregiver, O.R. They explained to OCRA that they had been experiencing difficulties in convincing A.S.'s IHSS social worker that A.S. qualified for protective supervision despite obtaining two signed SOC 821 forms from A.S.'s doctors. In fact, the group had been trying for over two years to get A.S. protection supervision hours.

OCRA obtained a copy of A.S.'s regional center file and requested records from IHSS. OCRA reviewed the documents and gathered evidence supporting A.S.'s need for protective supervision. The needs were numerous.

OCRA represented A.S. at a state hearing and received a fully favorable decision in which the judge agreed that A.S. met the criteria for protective supervision and granted it retroactively to the date of application. Jackie S. Chiang, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

**Medi-Cal**

**Medi-Cal Approves Funding for Pediatric Wheelchair.**

D.R. is a 7-year-old with complex medical and developmental needs. D.R. utilized a convaid stroller (small foldable stroller) to meet his mobility needs beginning in early childhood. D.R. outgrew his stroller even though it had been modified to maximum capacity. The convaid stroller was no longer safe to use due to its small size and configuration.

Based on the conclusion that the stroller was no longer safe for D.R.'s use, the regional center completed a referral for an OT

assessment. OT recommended a Zippie Pediatric Wheelchair (larger with customized support and frame) for safe mobility and transportation to and from school and to increase mobility at home and in the community. D.R. had never owned or used a wheelchair. Medi-Cal denied the wheelchair request and stated it was not medically necessary.

OCRA represented D.R. in his Medi-Cal appeal. OCRA reviewed the OT report and requested a second OT assessment. OCRA filed the Medi-Cal appeal with the additional report. Medi-Cal reviewed the new report, made a finding that medical necessity did exist, and authorized funding for the wheelchair. Leinani Walter, CRA, Christine Hager, Assistant CRA, Valley Mountain Regional Center.

### **Medi-Cal Reinstated.**

S.B. works full time and receives 1:1 employment support services because of his disability. S.B. contacted OCRA after receiving a notice that he was no longer eligible for Medi-Cal under the 250% Working Disabled Program because his income was slightly above the eligibility requirements. Since S.B. was no longer eligible for the program, he was going to have to pay a \$2,700 monthly share of cost for his IHSS.

OCRA assisted S.B. with a hearing request so that he could receive aid paid pending the hearing. OCRA provided S.B. with technical assistance and found that his mileage to and from work could be deducted from his income as an Impairment Related Work Expense (IRWE). OCRA assisted S.B. in gathering documentation of his IRWE and submitting it to Medi-Cal to try and resolve the issue without going to hearing.

Medi-Cal quickly determined that S.B. was eligible for Medi-Cal under the 250% Working Disabled Program because of his IRWE. S.B. is now eligible for Medi-Cal again and does not have to pay a share of cost for his IHSS services. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

### **OCRA Assists A.H to become Eligible for No Share-of-Cost Medi-Cal.**

A.H.'s family contacted OCRA for help in appealing Medi-Cal's written notice that A.H. no longer qualified for no share-of-cost Medi-Cal. After reviewing A.H.'s eligibility criteria for the different Medi-Cal programs, OCRA determined that Medi-Cal should have found A.H. eligible for the no share-of-cost Medi-Cal. OCRA agreed to provide direct representation to A.H. and contacted the County's Department of Social Services (County).

Following communications with OCRA, the County agreed to reassess A.H.'s eligibility for Medi-Cal benefits without a share-of-cost. A.H. was subsequently found eligible to receive Medi-Cal benefits without incurring a share-of-cost. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

## **Social Security**

### **SSI Overpayment Waived.**

M.B. received an overpayment notice from SSI informing her that she owed over \$5,000. The overpayment was allegedly due to having excess resources. OCRA assisted M.B. with filing appeal forms that explained why the overpayment was miscalculated. Every month, M.B.'s Supported Living Services Agency (SLS) processed the rent payment by putting M.B.'s roommate's rent contribution into M.B.'s bank account. Then the rent check was issued. M.B. was unaware of this process.

After the Social Security Administration (SSA) reviewed M.B.'s appeal, the SSA notified M.B. of its intent to deny her appeal. OCRA accompanied M.B. to the SSA office to meet with a representative. The SSA representative began the meeting by explaining that M.B. was responsible and that there was proof that M.B.'s account had, on numerous occasions, a balance of more than \$2,000.

OCRA explained the nature of the problem to the SSA and advised the SSA that the improper deposits to M.B.'s account had stopped. OCRA further explained that it was not possible for M.B. to be at fault since she did not know about the improper deposits to her bank account. In addition, the SLS agency provided a signed letter explaining its responsibility for the improper account activities. SSA

determined that M.B. was not responsible. The entire overpayment was waived. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

**SSI Agrees to Waive \$10,000 Overpayment and Reinstate Benefits.**

Three years ago, L.G. and his mother received a notice of a \$10,000 overpayment in L.G.'s SSI grant. The SSA asserted that L.G. had been overpaid due to his mother's, who was his representative payee, savings account that was over the resource limit. L.G.'s mother filed a waiver of overpayment arguing that L.G. should not be found at fault because the mother had been told by SSI staff that it was okay to save the money, and she had been reporting this resource properly to SSI. The waiver of overpayment was denied and L.G. was required to make \$100 per month payments to SSI. L.G. then stopped receiving SSI benefits. However, L.G. continued to make the monthly payments for two years.

L.G. and his mother contacted OCRA for assistance as they were no longer able to afford the monthly SSI payments. OCRA agreed to represent L.G. OCRA argued at an SSI informal meeting that L.G. should not be found liable for any overpayment caused by his representative payee, as L.G. was unable to understand or comply with the rules of the program. OCRA further argued that L.G.'s SSI benefits should be reinstated immediately. SSI determined that L.G. was not at fault nor liable for the overpayment. SSI also reinstated L.G.'s SSI benefit in the full amount. Kendra McWright, CRA, Kay Spencer, Assistant CRA, Maricruz Magdaleno, Temporary Assistant CRA, Central Valley Regional Center.

**R.H. Gets Benefits Reinstated and \$80,257 Overpayment Cleared.**

R.H. is a 51-year-old man who has been working at a store for over eight years. He receives periodic raises. He also receives Social Security benefits as a disabled adult child. A regional center vendor was serving as his representative payee. One day, the payee received a notice from the SSA that R.H.'s disability had ended and he had incurred an overpayment of \$80,257 because R.H. was

allegedly performing substantial work. The payee did not appeal or contact the SSA. The payee gave the notice to R.H.'s SLS provider about two months after receipt of the notice. The SLS provider called OCRA.

OCRA asked R.H. about his work, and if OCRA could contact his supervisor. OCRA learned that R.H. is not able to perform all of the duties in the job description for his position. R.H. performs about fifty percent of the work that a non-disabled employee in the same position performs. Further, R.H. is paid almost double the amount of a non-disabled employee in the same position, because he has been there so long and received many raises. R.H.'s supervisor completed the subsidy form (SSA Work Activity Questionnaire).

OCRA filed an appeal of the disability cessation and ask for expedited reinstatement, citing many reasons for good cause for late filing. OCRA provided evidence of subsidy, which meant that R.H. was not performing substantial work, is still eligible for benefits, and the overpayment should be cleared. SSA agreed and reinstated R.H.'s benefits as of the date the benefits were erroneously terminated. The Trial Work Period was recalculated and the overpayment was cleared. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **S.G.'s SSI Payments Are Reinstated and Overpayment Cleared.**

S.G. is a child who was receiving SSI. He received a notice that his SSI was being terminated and he had a \$2,221 overpayment. OCRA investigated and learned S.G.'s parents' wages did not change, nor did anything else in S.G.'s household.

After reviewing notices, OCRA determined that the SSA was attributing the father's earned income to S.G. Instead of using the deeming formula, SSA used the earned income formula, which made S.G. ineligible for SSI and caused an overpayment. OCRA contacted the SSA and asked it to input S.G.'s income properly, reinstate his SSI, and clear his overpayment, which the SSA did. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **Two Brothers Do Not Have to Repay Overpayments.**

T.J. and K.J. are two brothers who were receiving both SSI and Disabled Adult Child (DAC) benefits from the SSA. T.J. and K.J. received DAC benefits because their mother and father were *both* receiving Social Security Disability Insurance (SSDI) benefits.

T.J. and K.J. each received notice that they incurred a DAC overpayment. K.J.'s overpayment was \$3,842 and T.J.'s was \$7,478, since he is older and had been receiving DAC for more years. The notice contained no information on how the overpayment occurred. OCRA agreed to investigate and ask for a proper notice. SSA told OCRA that in 2004, the brothers' father became ineligible for SSDI. However, the SSA continued to pay not only the father, but also K.J. and T.J., under the father's earnings record. In fact, the DAC benefits were calculated using the "combined family maximum," since both parents received SSDI. Once their father became ineligible, K.J. and T.J. were only eligible for a reduced amount, yet SSA continued to pay them the same amount for the next six years.

OCRA filed a request for waiver on behalf of both clients. OCRA explained that neither K.J. nor T.J. could have known that their father, who does not live with them, was erroneously receiving SSDI. Therefore, the brothers were without fault in causing the overpayment. OCRA also asserted that the brothers could not afford to pay the overpayment because their sole income is SSI and DAC benefits. SSA agreed and waived both overpayments. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

### **SSA Increases Amount of SSI for Twins.**

Twins, J.A. and J.A.A, were receiving monthly SSI benefits of \$151 each because SSI erroneously deemed almost all of their mother's workers compensation income to the twins. OCRA assisted by helping the mother file a request for reconsideration and completing a deeming worksheet with the correct income calculations. After a meeting with SSI, the twins were reassessed and received \$486 in SSI each per month, in addition to retroactive benefits for the months that were incorrectly calculated. Shortly after this, a new SSI notice



was sent. OCRA determined that the twins were each due \$250 more a month because SSI had again failed to fully account for two children with disabilities in the household. OCRA assisted the mother in filing a new request for reconsideration, providing SSI with another re-calculation and a copy of the appropriate SSI law. SSI sent yet another notice decreasing each child's SSI amount by \$30 a month. A third request for reconsideration has been filed. OCRA plans to assist J.A. and J.A.A's mother at the SSI informal conference to discuss this new notice. Margaret Oppel, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

## **CONSUMER FINANCE**

### ***Debt Issue Following Property Damage Resolved.***

W.F. lives in a behavioral supported living situation. W.F. had a disagreement in the home and allegedly vandalized a staff member's car that was parked outside. The insurance company wanted W.F. to pay \$200 per month for the property damage. The regional center social worker had been negotiating with the insurance company but to no avail. OCRA was called to assist W.F.

OCRA called the insurance company and spoke directly with the agent. OCRA explained that W.F.'s only income was SSI and that W.F. could not possibly pay \$200 a month. OCRA wrote a letter to the insurance company memorializing this conversation. The insurance company decided not to pursue the matter. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

### ***OCRA Works with Regional Center to Get Debt Collection Dismissed.***

C.M. contacted OCRA for advocacy assistance in getting an outstanding debt collection dismissed. During the summer of 1995, C.M. had dental work performed. Because the dental work had been denied for funding through Medi-Cal, the regional center had agreed to pay for the dental work. For several reasons, payment had not been credited as payment in full and C.M. was receiving harassing phone calls and correspondence from collection agencies. OCRA contacted the regional center which agreed to involve its attorney

since the regional center had paid for the dental work. After several months, OCRA received confirmation that the dental firm agreed to relieve the debt, thereby releasing C.M. from any liability. C.M. recently received written confirmation indicating that the debt has been relieved. Veronica Cervantes, CRA, Beatriz Reyes, Assistant CRA, Inland Regional Center.

## **HOUSING**

### **Reasonable Accommodation Granted by Housing Authority.**

R.A. has been receiving Section 8 Voucher rental assistance since 2008. She was renting a two-bedroom apartment with her minor son, though he turned eighteen within the last year. R.A.'s son, both while a minor and as an adult, was charged and convicted of drug and gang related activity. R.A. did not report this to the Housing Authority during the annual re-certification process.

R. A. suffers from a seizure condition due to a brain tumor. She has had three brain operations, both to remove tumors and to lessen seizure activity. The seizures have resulted in memory loss.

The Housing Authority gave R.A. a notice terminating her subsidy, and seeking to collect as an overpayment all assistance paid after R.A.'s failure to report her son's criminal activity.

OCRA was contacted by R.A. and assisted her with making an Informal Hearing request, and represented her at the hearing. The Hearing Officer found that a credible argument was presented that R.A. suffers from disabilities that impair or prevent her ability to ensure compliance with obligations as they relate to household members. The Hearing Officer also found that R.A. had not realized that she could have asked for a reasonable accommodation from the Housing Authority.

The Hearing Officer determined there was evidence that R.A. suffers from mental disabilities and may not have been fully cognizant of her responsibilities, and reversed the termination of her assistance on the condition that her son not reside in the home. Andy Holcombe, CRA, Far Northern Regional Center.

### **OCRA Helps L.V. Get Guardianship and Save Housing.**

L.V., a 15-year-old consumer, lived with her grandmother, also her legal guardian, in federally subsidized housing. The regional center had funded structural modifications to make the townhouse fully accessible to L.V. These modifications included a specialized lift. L.V.'s grandmother became terminally ill and could no longer live in her private home with L.V. L.V.'s long time IHSS worker was willing to become L.V.'s guardian and move into the home to care for her. OCRA referred the family to the Self Help Law Project at the local courthouse for assistance in obtaining the new guardianship.

Meanwhile, the Housing Authority was threatening to terminate the voucher because L.V. could not live in the house alone nor could she have an unrelated person living in the home with her under the terms of the voucher. OCRA consulted with both the Housing Authority and its counsel and assured them that a guardianship was being obtained so that L.V. and her new guardian would soon be in compliance with the rules. OCRA further argued that because of L.V.'s disability and the specialized equipment installed in that particular unit, moving would be a hardship and the Housing Authority should grant additional time to obtain the guardianship as a reasonable accommodation. OCRA also provided L.V. and her new guardian with continuing advice about income and support services. Once the guardianship was granted, L.V.'s caregiver was a lawful resident of the home and L.V. was secure in her home with the necessary equipment. Jim Stoepler, CRA, Redwood Coast Regional Center, Ukiah.

## **NEGLECT/ABUSE**

### **OCRA Obtains a Plan of Correction.**

M.S. was placed in a nursing facility. The staff neglected M.S. and failed to administer the prescribed amount of anticonvulsant medication. This neglect led to M.S. having seizures and suffering brain damage. After M.S. went to the emergency room, a special incident report was received by OCRA.

OCRA sent a report to Adult Protective Services (APS), a complaint to licensing, and a request to the California Department of Public Health to investigate the incidents. It was determined by the Department of Public Health that the facility had failed to properly administer medication to M.S. It was determined that the seizures experienced by M.S. “were likely due to subtherapeutic antiepileptic medications.”

A ‘Plan of Correction’ was required and issued. All nursing staff was required to receive training on properly administering medication. Daily audits are now required by the records supervisor. M.S. is now living in a different facility and receiving proper medical care. Jackie Coleman, CRA, Adrianna Gutierrez, Interim Assistant CRA, Alta California Regional Center.

## **REGIONAL CENTER**

### **Regional Center Services Reinstated following Termination.**

J.M. is now 10-years old and became eligible for regional center services at the age of three. Following a reassessment, J.M. was found to no longer be eligible and his regional center services and supports were terminated.

J.M.’s mother is Spanish speaking. She needed assistance requesting a fair hearing. OCRA was retained to evaluate the merits of the case. Records from multiple sources were obtained including medical, clinical, and educational records. A comprehensive evaluation was conducted by the UCLA Autism Clinic.

OCRA submitted the new records and the UCLA report to the regional center in support of J.M.’s continued eligibility. Two weeks prior to the fair hearing, the regional center determined that the services and supports for J.M. would continue. Leinani Walter, CRA, Christine Hager, Assistant CRA, Valley Mountain Regional Center.

**ALJ Determines that Family Member May Be Paid as Direct Care Staff by SLS Agency.**

OCRA provided technical assistance to an attorney who is a consumer at one of the regional centers. The consumer/attorney represented herself at her hearing. Previously, her sister was one of her paid SLS workers through an SLS agency. At one point, the consumer moved out of state to do an internship. When she came back, the regional center found that the consumer's sister was a "natural support" and therefore could not be paid.

At hearing, the Administrative Law Judge (ALJ) ruled that the consumer's sister can be paid as direct care staff through the SLS agency. The ALJ specifically noted, "The Lanterman Act does NOT prohibit the regional center from allowing a family member to act as a paid personal care assistant for a consumer. Although parents of minor children do have a duty to care for their minor children, no such duty exists among adult siblings." The ALJ also ruled that it was not cost effective to have a different paid worker. Jackie Coleman, CRA, Alta California Regional Center.

**OCRA Secures Additional Supports for D.B. in the Community.**

Due to her disability, D.B. is unable to communicate verbally in a way that others can understand. She enjoyed sign language classes and looked forward to continuing to take sign language since it enabled her to communicate better.

The regional center terminated her sign language classes. D.B. has never had a speech device to help her communicate. She was unhappy with the day program she was in and wanted to find a program more consistent with her needs and she also wanted to take college classes. OCRA represented D.B. at a combination informal hearing and addendum IPP meeting to advocate on her behalf.

That meeting resulted in D.B. being able to continue taking sign language classes. The regional center agreed to do an assessment for assistive technology to help D.B. to communicate and made referrals to the Department of Rehabilitation and the local community college. Additionally, D.B. quit going to her day program and she

toured other day programs to find one more suitable. Lorie Atamian, Assistant CRA, Far Northern Regional Center

**OCRA Ensures C.G.'s Choice of Living Arrangement Is Heard.**

C.G. has a mild intellectual disability, and visual and orthopedic impairments. C.G. sought OCRA's assistance because the regional center had sent him a NOA cutting his Independent Living Skills (ILS) services. On several occasions C.G. had informed his service coordinator and his ILS provider that he wanted to move out of his mother's home. OCRA assisted C.G. by having the first NOA dismissed due to the fact that it was defective. Then, OCRA had an informal meeting with the regional center to present the reasons why the regional center should continue to fund ILS services for C.G. After the informal meeting, the regional center offered to extend the ILS services until September, so that the ILS provider can assist C.G. in finding an apartment. A review will be conducted in September to see whether ILS remains an appropriate service. Jackie S. Chiang, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

**C.S. Receives Early Start Intervention Services.**

C.S.'s parent contacted OCRA for assistance after the regional center denied C.S. eligibility for Early Start Intervention Services. OCRA reviewed C.S.'s medical and regional center records and found medical information that supported the finding of a delay in the area of emotional/behavioral development. OCRA wrote a letter to the parent explaining that, with this additional information, C.S. appeared to be eligible as C.S. had qualifying developmental delays in at least two areas, emotional/behavioral development and communication. Following OCRA's advice, the parent met with the regional center and provided a copy of the OCRA letter and C.S.'s medical information. At the regional center meeting, C.S. was made eligible to receive Early Start Intervention Services. Timothy Poe, CRA, Frank D. Lanterman Regional Center.

### **B.K. Found Eligible for Regional Center Services.**

B.K. was raised by his grandparents, who had previously made several unsuccessful attempts to have the regional center find B.K. eligible for services. OCRA submitted a new evaluation along with a letter to the regional center requesting that it find B.K. eligible for services. After reviewing the evaluation, the regional center found B.K. eligible for services under the fifth category. OCRA represented B.K. at the initial IPP meeting where the team agreed to provide B.K. with the services and supports he requested so that he could live in the community. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

## **TRANSPORTATION**

### **C.C. Retains Transportation.**

C.C. requested assistance to appeal a suspension of transportation services. C.C. requires assistance from her SLS to schedule all of her transportation. C.C. was told by her new staff that C.C. should schedule her own transportation. Three months later, C.C. received suspension letters due to several no shows and late cancellations. The letters informed C.C. that she would be suspended for four months from receiving transportation services because she had violated the cancellation policy numerous times. The CRA represented C.C. at an appeal. The CRA presented witnesses and documentation to show that due to C.C.'s disability, C.C. is dependent on staff to schedule transportation. Evidence was also presented to show that C.C., the CRA, and the regional center service coordinator worked together to obtain appropriate support staff for C.C., so that she would not have any no shows or cancellations in the future. After the appeal, C.C. received a letter informing her that her transportation services had been reinstated. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

### **Bus Pass Reinstated.**

A.S. is an adult with an intellectual disability and an anxiety disorder. For 15 years, A.S. had been traveling in the community with a VTA Bus Pass due to his disability related needs. A.S. received notice that he no longer qualified for the VTA bus pass. A.S. contacted OCRA as his disability needs remained unchanged and he wanted to appeal the decision to deny his bus pass. OCRA assisted A.S. to gather evidence of his continued need for the bus pass from his medical doctors and other care providers. Shortly after this evidence was submitted, A.S. was granted another VTA bus pass. Filomena Alomar, Assistant CRA, San Andreas Regional Center

## **SPECIAL EDUCATION**

### **Student No Longer Isolated During Mealtime at School.**

K.L. is in elementary school and must feed through a gastrostomy tube (G-Tube). Whenever it was time for K.L. to be fed, he was sent to the nurse's office. K.L.'s school felt it was disturbing for his classmates to see him using a G-Tube to eat. As a result of the isolation, K.L. was not spending his lunch breaks or recesses with his peers.

K.L.'s parents contacted OCRA for help. OCRA immediately contacted K.L.'s doctor and then requested an Individualized Education Plan (IEP) meeting for K.L. OCRA represented K.L. at his IEP meeting and advocated for him to be fed at the same time as his classmates in the classroom. OCRA discussed the concern of the doctor that the isolation was preventing K.L. from learning oral feeding skills and social behaviors. K.L. associated feedings with isolation instead of as a social activity.

As a result of OCRA's advocacy, the school district changed its position and K.L. now socializes with his peers during meals. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.



### **OCRA Prevents Expulsion and Non-Public School Placement.**

J.M. is a young foster child in elementary school. In his special education program, J.M. was not receiving any behavioral support services from the school district. J.M. was suspended and the school district threatened expulsion for serious behaviors including inappropriate sexual behaviors, physical aggression, and emotional outbursts committed outside of the classroom.

The regional center contacted OCRA and referred J.M. for advocacy and representation. OCRA reviewed J.M.'s school records and regional center records. OCRA referred J.M. to a psychologist for assessment. OCRA then represented J.M. at the manifestation IEP meeting and argued that the manifestation determination should be changed to reflect that J.M.'s behaviors were directly due to his multiple disabilities. OCRA presented relevant regional center records that the school district originally failed to take into account. The new psychological report confirmed that J.M.'s behaviors were related to his disability.

The school district changed the manifestation determination. As a result of this change, the school district did not expel J.M. but did propose a non-public school placement (NPS). OCRA opposed the NPS placement on the basis that it was not the least restrictive placement and that the local public school could meet J.M.'s needs if he was provided appropriate behavioral supports and services. OCRA requested the district consider a public school placement and conduct a functional analysis assessment (FAA), a behavior intervention plan, and a 1:1 aide. The district agreed.

J.L. was also provided with door-to-door transportation with a daily bus rider to accompany J.M. to and from school, an occupational therapy assessment, a mental health referral for counseling and therapy for mental health services, and 22 hours of compensatory education. Leinani Walter, CRA, Christine Hager, Assistant CRA, Valley Mountain Regional Center.

### **School District Agrees to Train Substitute Aides.**

D.O. is a middle school student who needs the assistance of a 1:1 aide during her school day. D.O.'s regular 1:1 aide did a good job of helping her eat, get enough water, and dress appropriately for the weather. When D.O.'s regular aide was absent, however, the classroom teacher failed to assign another 1:1 aide to assist D.O., and the two general aides in the classroom did not take responsibility for D.O.'s care or know how to feed her properly. D.O.'s mother observed the classroom on a day when the 1:1 aide was absent and saw that her daughter was left behind in the classroom when the class went to lunch. When her mother took her to the cafeteria, no one would agree to feed D.O. or knew how to feed her. D.O.'s mother finally started keeping D.O. at home when she knew the 1:1 aide was absent.

OCRA represented D.O. at an IEP meeting and obtained the district's agreement to train the two other classroom aides in how to properly feed and care for D.O. Training will include practice in feeding D.O. on days when the experienced aide is present to assist. The IEP team developed a checklist to be used each day to ensure that D.O. gets enough food and water and that her other needs are met. The district also agreed that when D.O.'s usual 1:1 aide is absent, one of the trained classroom aides will be assigned to work 1:1 with D.O. while a substitute aide takes over the regular duties of the general aide. Megan Chambers, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

### **Student Gets Appropriate Services.**

E.N. is a student with an intellectual disability. E.N. demonstrated significant behavioral challenges and failed to make any educational progress on his IEP goals for a year. OCRA provided direct representation of E.N. at an IEP meeting. The district agreed to a 1:1 instructional aide, a FFA, an assistive technology evaluation, an occupational therapy assessment and a psycho-educational assessment to determine appropriate placement and services for E.N. At a follow up IEP meeting, the behaviorist reported that maladaptive behaviors were extinguished completely as a direct

result of the instructional aide and behavioral interventions. Rita Defilippis, CRA, San Andreas Regional Center.

### **Student Given 1:1 Aide after Being Bullied.**

N.F. has a diagnosis of cerebral palsy. She is mainstreamed in general education in the 7<sup>th</sup> grade. Her mother contacted OCRA because N.F. was being bullied by three different students. The bullying included pinching that resulted in bruises. In addition, due to staff's negligence, N.F. was being marked absent from classes because she was being taken to the wrong classrooms by the aids.

OCRA advised N.F.'s mother regarding complaint options. OCRA sent the mother all necessary educational resources that would guide her in addressing the bullying incidents on the school grounds. The mother also talked to the school psychologist and informed him of the mother's intent to file a compliance complaint with the California Department of Education against the school due to its failure to secure N.F.'s safety. As a result, the mother was able to secure a 1:1 aide for N.F. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

### **A.A. Moves to a Less Restrictive School Placement.**

A.A. is a 7-year-old with an intellectual disability. A.A.'s school is terminating its full inclusion class and this concerned A.A.'s mother. OCRA suggested that the mother request an IEP meeting to discuss all of her concerns. OCRA then suggested that A.A.'s mother request placement in a less restrictive school, explained what a resource specialist program is and the continuum of placement options. Since A.A. was already receiving help from an inclusion specialist and Adapted Physical Education (APE) at her school, OCRA suggested to A.A.'s mother to also request a 1:1 aide in addition. This would help A.A. to do well in a less restrictive placement. A.A.'s mother went to the IEP and the school agreed to a 1:1 aide, resource specialist, and continued APE. A goal for full inclusion for the next school year was added to the IEP. Jackie S. Chiang, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

**School District Agrees to Complete Independent Assessments and Obtain Appropriate Preschool Placement.**

B.V.'s parent called OCRA for assistance in obtaining an appropriate preschool placement for their 3-year-old child who was diagnosed with charge syndrome. Charge syndrome is a condition that includes severe hearing loss, vision impairment and intellectual disability. B.V. also requires g-tube feeding and has a heart condition. OCRA reviewed the school district's evaluation reports in the areas of language and speech, psycho-educational, and occupational therapy, and found they were incomplete in that they were not performed by evaluators familiar with charge syndrome or who took into account B.V.'s communication limitations before forming their opinions and recommendation. OCRA represented B.V. at an IEP meeting and advocated for independent education evaluations in these areas and explained why the placement offered by the school district was not appropriate. At the IEP meeting, the school district agreed to fund the independent education evaluations and place B.V. in a modified school program at a preschool in which a nurse was available and curriculum would be individualized for B.V.'s alternative communication needs. Timothy Poe, CRA, Jazmin Romero, Assistant CRA, Frank D. Lanterman Regional Center.

**OUTREACH/TRAINING**

**Capital People First Training in the Community.**

San Diego OCRA staff had a successful Capital People First (CPF) training in June, 2011. CPF trainings are done as a result of an agreement between Disability Rights California and the Department of Developmental Services (DDS). Alba Gomez, Wendy Dumlao, and Jeanne Molineaux met with nine residents of Country Hills Health Care & Rehabilitation Center, which is a 304 bed skilled nursing facility. Residents of the facility are all ages with varying types of disabilities. For the training, staff used the materials developed by DDS called "My Own Choice." The materials explain four options for consumers if they desire to live in the community. The facility's staff was extremely supportive of the training and very interested in the materials. OCRA staff agreed to help J.D. and his

wife move from the large facility. J.D. is a person with a developmental disability but his wife is not, so OCRA is exploring options in order to help in the coordination of services between the agencies serving J.D. and his wife. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, Jeanne Molineaux, Director.

**Consumers Enjoy CPF Training in San Francisco.**

OCRA conducted a successful CPF training to 20 residents in a San Francisco placement. The training material developed by DDS was used during the training. The DVD, outlining several different placement options, was liked by the residents who enjoyed discussing what they saw on the video. The “My Own Choice” sticker book was easy for many of the residents to follow. Residents also enjoyed brainstorming ideas about where to go for fun. Some residents asked questions about the possibility of living independently.

At the end of the training, the participants were glad to know that advocates were available and their community placement options. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.