

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Fall, 2010

BENEFITS

In-Home Supportive Services (IHSS)

Client Awarded Maximum IHSS Hours, Including Retroactive Service Hours.

J.S. is a 19-year-old with autism, an intellectual disability, and seizures who was denied protective supervision under the In-Home Support Services (IHSS program). The County awarded him 132.8 hours per month of services without protective supervision. The County's position was that J.S. did not engage in self endangering acts. The County also told the parents of J.S. that it was their legal responsibility to supervise J.S. and that all individuals with autism required on-going supervision.

OCRA agreed to represent J.S. at hearing and obtained medical records from his treating physicians, a psychological report from the regional center and school records which documented that J.S. had significant deficits in memory, orientation and judgment and required 24-hour supervision. OCRA worked closely with the family to document the types of dangerous behaviors J.S. engages in if left alone.

At hearing, OCRA presented testimony from J.S.' parents, who gave recent examples of when they had to quickly intervene to prevent J.S. from injuring himself. OCRA also argued that the County could not legally require the parents of an adult recipient to provide services without pay. The hearing officer ruled in favor of J.S. and awarded 283 hours per month with retroactive payments for the prior ten months. This represents an increase of 150.2 hours per month of IHSS services and retroactive payment of more than \$14,000. Tim Poe, CRA, Kendra McWright, Interim CRA, Harbor Regional Center.

Protective Supervision Granted for Adoption Assistance Program Recipient.

C.S. has Down's syndrome and was adopted as an infant. As she became a teenager, C.S. began to require more supervision in addition to the personal care services she needed. C.S.'s mother had just turned 70 and was finding it difficult to supervise C.S. due to the mother's own physical condition and C.S.'s increasing needs. C.S. was at risk for out-of-home placement. C.S.'s mother had been privately paying two different people to supervise C.S. so there could be a break. The family also received respite from the regional center. C.S.'s mother applied for IHSS for C.S.

C.S. was denied IHSS. The handwritten notice from the County stated that IHSS was denied because C.S. received funds from the foster care system. However, C.S. is not in foster care and does not receive foster care funding. C.S.' mother did receive Adoption Assistance Payment (AAP). OCRA researched whether a child could receive IHSS while the parent was receiving AAP. Although the law is not clear, it appeared as though C.S. would be entitled to IHSS because she was receiving Medi-Cal through AAP. OCRA asked the regional center to fund a nursing assessment, and it agreed.

OCRA also convinced the County Appeals Specialist that C.S. could receive IHSS despite the AAP benefits. An agreement was reached which required the County to reassess C.S. It took several months for the County to perform the reassessment. OCRA filed for hearing again. Finally, the worker scheduled the reassessment. OCRA attended the reassessment, provided the IEP, psychological evaluation, and nursing assessment, and requested protective supervision. About a week after the reassessment, C.S. jumped out of a moving car, into oncoming traffic, and was hit by another car. She was hospitalized again. The County approved IHSS protective supervision shortly after being informed of the most recent incident. C.S. will receive the maximum of 195 hours per month of IHSS retroactive to September, 2009. The retroactive monetary award is \$21,060.00. These services enable C.S. to stay in her family home. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Judge Rules That the IHSS Two-parent Household Rule Is Invalid.

E.P. is a minor with multiple disabilities, including seizures and a medical condition which most children do not survive past infancy. Due to the care provided by E.P.'s mother. E.P. is now four years old.

E.P.'s mother was a dental assistant before E.P. was born, but her mother can no longer work due to the care provided to E.P. E.P.'s mother applied for IHSS for E.P. and was denied because two parents were in the home. OCRA represented E.P. at her IHSS hearing and argued that the two-parent household regulation is invalid because the statute does not allow it. At hearing, the IHSS supervisor admitted that she knew that the State was in the process of removing that regulation from the Department of Social Services Manual of Policy & Procedures.

A hearing decision was rendered in E.P.'s favor. The ALJ determined that E.P had a need of more than 400 hours a month. She also determined that the two-parent household rule was contrary to the purpose of IHSS and therefore invalid. E.P received 283 hours per month retroactive to the date of application. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Assists G.C. with Obtaining IHSS Protective Supervision.

G.C. was receiving IHSS when G.C.'s mother first contacted OCRA. Based on a review of G.C.'s regional center chart and educational records, OCRA believed G.C. would qualify for protective supervision. OCRA advised G.C.'s parents regarding protective supervision and how to initiate the process. OCRA attended the reassessment meeting with G.C. and his parents. The IHSS social worker reviewed the documents that G.C.'s parents jointly prepared with OCRA and stated that she believed that G.C. would be approved for protective supervision. Recently, OCRA received news that G.C. has been approved for 283 hours of protective supervision. Jackie S. Chiang, CRA, Jazmin Romero, Assistant CRA, Katie Meyer, Supervising CRA, Lanterman Regional Center.

R.M. Obtains Protective Supervision and Retroactive IHSS Benefits.

OCRA was contacted by R.M.'s mother, who reported that she applied for IHSS services on behalf of her son in February, 2010. R.M.'s mother indicated she received a Notice of Action (NOA) granting her only 32.4 hours per month. Subsequently, R.M.'s mother contacted her son's IHSS social worker and requested protective supervision. The social worker conducted a reassessment and another NOA was issued stating that there was no change to the previous evaluation and R.M.'s IHSS hours would remain the same.

OCRA agreed to provide direct representation to R.M. in his IHSS appeal. OCRA assisted R.M.'s parent with filing for hearing. A Conditional Withdrawal was signed with the County in July, 2010, to allow its staff to reassess R.M. for protective supervision. After its second reassessment, the County found R.M. eligible for protective supervision. R.M. was awarded retroactive benefits dating back to January, 2010. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

Benefits Reinstated for Brothers.

E.G. and P.G. are brothers who are IHSS and Medi-Cal recipients who were on the Medi-Cal Waiver, which was renewed for 2010. In June, the parent was informed that there was a share of cost, and as of June 1, 2010, no IHSS would be funded. In addition, E.G. and P.G.'s parent was asked to pay back payments received due to the share of cost.

The parent contacted OCRA for assistance. P.G.'s parent informed OCRA that the regional center records showed that the waivers were updated, and that there should not be a problem with E.G. and P.G.'s benefits. However, the Medi-cal social worker kept insisting that the waivers were never provided to Medi-Cal. After OCRA contacted the regional center Medi-Cal liaison for further information, it was discovered that due to the recent changes within the Medi-Cal office, social workers that were handling the waiver cases were not properly trained. The social worker for E.G. and P.G. had not properly entered their information, and this error had caused E.G. and P.G. to lose their benefits. OCRA worked closely with the liaison to correct the problem. E.G. and P.G. regained their Medi-Cal benefits with retroactive payment for IHSS back to June 1, 2010. Jacqueline Miller,

CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

Medi-Cal

Two Consumers Receive Aid Paid Pending Their Hearings.

Two consumers called OCRA because they did not receive their aid paid pending, although they appealed their nursing reductions within 10 days. In both cases, the parents were told that they did not write that they wanted aid paid pending on their hearing request, so it was not provided.

After OCRA spoke to the medical case management representative about the regulations regarding aid paid pending, the representative admitted that the only requirement is that the recipient appeal within 10 days. She immediately resolved the problem and issued both consumers aid paid pending. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Social Security

SSI Overpayment Quickly Resolved in J.C.'s Favor.

J.C.'s mother received an overpayment notice from the Social Security Administration (SSA) in the exact amount of the check she received each month as J.C.'s IHSS worker. J.C.'s mother contacted OCRA for assistance.

OCRA assisted J.C.'s mother in completing a request for reconsideration, as the IHSS wages are not to be considered in computing the child's Social Security grant. Within 30 days, J.C.'s mother received the retroactive payments for the monies held back by the SSA. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

Employee Does Not Have To Pay Back SS Overpayment.

K.H. works as a janitor for a school district and was receiving both SSI and regular SS benefits, making him a "concurrent beneficiary." He regularly provided a copy of his paycheck stubs to the local SSA office with the assistance of his Independent Living Skills (ILS) instructor, and even got

his stubs stamped “received.” One day, he received a notice from the SSA that he had an overpayment of almost \$21,000. Further, his son, who was receiving benefits based on K.H.’s earnings record, also had a \$10,000 overpayment.

K.H. went with his ILS instructor to the local SSA office to ask about the overpayment since K.H. had always reported his income. The representative told K.H. that he “reported it to the wrong program,” meaning that the representative applied his wages solely to his SSI record, and never posted anything to his SS record. As a result, the SS program did not know K.H. was working. Further, as SS did not know about the income and kept paying K.H., a large overpayment resulted.

K.H. came to OCRA for assistance. OCRA drafted a request for a waiver of overpayment recovery for K.H. and alleged that the overpayment was not K.H.’s fault but rather the SSA’s fault since K.H. reported his income regularly. It was not his fault that the SSA representatives did not post his earnings to both programs. OCRA also attached a Government Accountability Office report criticizing SSA for its treatment of concurrent beneficiaries such as K.H. K.H. hand-delivered the waiver request to the SSA office, but months went by with no decision.

OCRA called the Area Work Incentives coordinator, who determined that the local office never entered the waiver request into the computer. She then entered it. The local office denied the request. OCRA represented K.H. at the informal conference. At that meeting, it was clear the SSA representative did not understand the waiver standard. OCRA contacted the Area Director’s Office with concerns after the informal conference. OCRA also spoke to a supervisor in the SSA office and made the waiver argument to her. Two weeks later, OCRA received notice that the waiver had been approved. The SSA waived the \$21,000 overpayment on K.H.’s record and the \$10,000 overpayment for his son. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

CONSUMER FINANCE

Debt Waived.

K.S. resides in a treatment facility for individuals having both developmental and psychiatric conditions. K.S. was out on a two-hour pass when he took a coke from a grocery store and left without paying. He is not usually without a staff person at his side, but on that occasion he was. K.S. did not know that he was committing a crime.

A law firm that represents the grocery store sent him a demand letter asking him to pay \$300, or risk being sued. K.S. does not have a job and receives SSI benefits as his sole income. OCRA sent a letter to the law firm explaining that K.S. is unable to make any payments at this time and that this situation is not likely to change. The law firm ceased its attempts to collect. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

OCRA Assists C.R. with Debt Collection.

C.R. is a young adult who was the victim of identity theft several years ago. OCRA had written the creditor, sent copies of the police report, had phone conversations, and believed that the issue was resolved. C.R. was not contacted for over a year and then received another collection letter. OCRA called the firm handling the debt and arranged for the firm to send C.R. an Affidavit of Fraud with a promise not to contact C.R. again. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

CONSUMERS' RIGHTS

OCRA Assists Consumers Following Complaints of Abuse.

OCRA and the Area Board became aware of allegations of abuse at a day program because a group of consumers contacted OCRA and the Area Board after a self-advocacy training was provided to consumers at their day program. The alleged abuse included such things as blanket restraints, screaming obscenities at the consumers, and placing clients in isolation in

separate rooms. At the request of the consumers, OCRA and the Area Board immediately assisted with the filing of reports to Adult Protective Services and Community Care Licensing. 4731 complaints were filed by the consumers regarding the day program staff's actions. OCRA provided direct representation for consumers at related IPP's.

Following the reporting and investigation, staffing changes were made at the day program. Additional training was provided regarding the use of restraint. OCRA and the Area Board have committed to providing a series of additional training sessions to the staff at the program regarding clients' rights and the responsibility of each individual staff member as a mandated reporter of abuse.

OCRA and the Area Board will continue to meet with individual consumers and to provide self-advocacy trainings in order to ensure that consumers remain free from harm. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

E.V. Allowed to Keep Dog in Apartment.

E.V. is a 6-year-old who lives with his family in an apartment complex. When E.V.'s parents signed their lease agreement they were told that they could not have pets. The parents later saw that other tenants had pets and they got a dog as a companion for E.V. After a period of time, the manager told the family that it could only have the dog if the family had a doctor's letter saying that it was necessary. The family complied and was then told that the letter "wasn't enough." OCRA advised the family to ask the doctor for a more detailed letter, stating that it was medically necessary for him to have a companion animal. The doctor made a call to the manager and the family was then told that E.V. could keep his companion dog. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

HOUSING

H.H. Gets His Security Deposit Back.

H.H. was living in a regional center group home and wanted to move into an apartment in a new area. After saving and preparing, H.H. signed the

lease for his own apartment. The landlord required a substantial security deposit but H.H. agreed to it because he really wanted to live independently in that area. When H.H. contacted the electric company, he discovered that the building did not exist. The electric company suggested that H.H. contact the local police department because the landlord had a reputation in the area for renting sub-habitable apartments.

H.H. decided not to rent any apartment from that landlord. When H.H. tried to get out of the contract and get his security deposit returned, the landlord refused.

OCRA helped H.H. and his mother draft a letter to the landlord citing the relevant laws regarding the return of security deposits and habitability generally. The landlord then agreed to return both the security deposit and the rent paid. Jim Stoepler, CRA, Redwood Coast Regional Center.

PERSONAL AUTONOMY

Consumer Returns Home after Years in a Facility.

OCRA was first contacted by K.O. in 2006. K.O. wanted to move to a facility closer to her family. A probate conservatorship had been established and K.O. had been placed in a secured residential facility. K.O.'s goal was to return to her own home and live with her husband and daughter. K.O.'s return home was consistently opposed, partly due to the poor condition of the family home.

OCRA worked with the public defender's office, the public guardian's office, and the regional center to return K.O. to her family. The regional center offered to assist in repairing K.O.'s home and developed a supportive relationship with the family.

During recent court proceedings, OCRA participated in negotiations with the County and an agreement was reached regarding K.O.'s return home to her husband and daughter. K.O. returned home to her family for a court-ordered 30-day trial period, after which it is believed K.O. will remain permanently. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Maricruz Magaleno, Temporary Assistant CRA, Central Valley Regional Center.

J.B. Asserts His Rights at Day Program/Supported Employment.

J.B. is working in the electronics department at his day program/supported employment. The manager that oversees him would hit him and other clients on the arm in what she considered to be a joking manner. When they would get a new order to complete, she also would tell J.B. and other clients “don’t screw this up” – again what she considered to be in a joking manner. J.B. came home upset and showed his mother a red mark on his upper left arm from when this manager had hit him. He told the manager that it hurt and she replied that he was too sensitive.

J.B., his mother, the manager, and her supervisor had a meeting the next day that J.B. returned to work. The manager admitted that she hit J.B., used the phrase “don’t screw this up,” and that this was done in a joking manner. J.B. was told that she was sorry and this would not occur again. The staff was required to attend a Disability Awareness and Boundaries Counseling Training. If J.B. wanted to move to a different area to work he could. The area that he likes to work in is the one where the manager still worked. He chose to continue working in this area.

J.B. and his family did not believe the actions taken by the day program against the manager were sufficient and contacted OCRA for assistance.

OCRA assisted J.B. in filing a 4731 Complaint with the regional center. As a result of the Complaint, J.B. is able to continue to work in the area that he prefers. While it was determined that the supervisor did not intentionally mean to hurt J.B., and that she had been joking, J.B. will no longer have direct contact with her. As part of the resolution, the regional center will provide additional training to the day program staff on the rights of individuals with disabilities. There will also be retraining of the day program case managers on the proper uses of the Grievance Policy, and changes to the day program employment policy to include immediate involvement by a Human Resource Manager in any incident involving both staff and clients. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

REGIONAL CENTER

A.A.'s Regional Center Case Reactivated after 14 Years.

A.A. is an adult who applied for regional center services and was denied eligibility after an assessment by the regional center. A.A.'s sister contacted OCRA for advocacy assistance. A.A. had lived with his mother, who recently passed away, and now requires supports to live independently. During the consultation, OCRA became aware that A.A. had been found eligible and received services from another regional center in the past. After further inquiry, OCRA also became aware that the regional center where A.A. had just applied, had placed A.A.'s case on inactive status in June, 1996.

In an attempt to negotiate a resolution, OCRA wrote a letter to the regional center stating that A.A. was erroneously treated as a new applicant since he is a consumer with an inactive case. The CRA requested that the regional center immediately reactivate A.A.'s case, assign a consumer services coordinator, and hold an Individual Program Plan meeting (IPP) to discuss appropriate services and supports. After review, the regional center agreed to reactivate A.A.'s case and comply with OCRA's other requests. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

Eligibility Case Resolved for D.C.

D.C. was originally found eligible for services by one regional center. When D.C. was six, he and his family moved to another geographic area with a different regional center. D.C. was evaluated by the new regional center. The new regional center determined that D.C. was no longer eligible for regional center services.

OCRA was contacted by the family. Based on a review of the available records and history from the prior regional center, OCRA determined that a comprehensive neuropsychological evaluation was warranted. D.C. was evaluated at the UCLA Autism Clinic and diagnosed with autistic disorder.

Prior to fair hearing, OCRA shared the written report from UCLA with the new regional center. Based on the UCLA findings and diagnosis, the new regional center found D.C. eligible. Mario Espinoza, CRA, Valerie Geary, Assistant CRA, Kern Regional Center.

Client Became Eligible for Regional Center Services after Being Denied Four Times.

D.A. is an 18-year-old who is diagnosed with Prader-Willi syndrome and developmental delays. D.A.'s family applied for and was denied eligibility for D.A. for regional center services for four times between 1993, and 2009. The family contacted OCRA to assist in the appeal process. OCRA gathered additional records and obtained a neuropsychological evaluation of D.A. The new evaluation supported regional center eligibility. OCRA send the regional center the new information and requested an informal meeting to discuss the case. OCRA met with the regional center staff and urged that D.M. should be found eligible for regional center services based on the new evidence of developmental disability. The regional center psychologist requested two weeks to review the new records. After the regional center reviewed additional records, D.M. was found eligible for regional center services. Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

Two Children Will Continue to Receive Social Skills Training.

OCRA provided technical assistance to two unrelated children in two different hearings involving the same issue.

A.G. is a young girl who had been receiving social skills training funded by the regional center. A.G.'s mother received a notice that the funding will be terminated, effective six months from the notice date, because social skills' training is a "time-limited" service. The regional center held no IPP meeting and did not discuss this termination with A.G.'s family. A.G. appealed and received aid paid pending.

OCRA helped the mother gather evidence that would support her argument. OCRA also drafted the exhibit and witness lists, prepared the evidence packet, helped draft witness questions, and wrote the closing brief for A.G. A.G. received a favorable decision that said the regional center must continue funding social skills.

J.M. is a pre-teenage boy who was receiving social skills funded by the regional center. It was also terminated with no discussion or meeting under the guise that social skill training is a “time limited” service. J.M. had made many improvements with social skills training, but as a teenager, his needs were continuing to evolve and he still required the service.

OCRA again provided technical assistance by reviewing and editing the opening and closing statements, and drafting witness questions for the social skills provider, who testified at the hearing. Like A.G., J.M. also received a favorable hearing decision but from a different judge, so J.M. will continue to receive social skills training. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Success in Obtaining Needed Out-of-Home Respite Placement.

T.W. is a 16-year-old consumer living at home with his mother. T.W. is dual diagnosed and has a very challenging home situation. T.W. and his mother were participating in a program in order to receive comprehensive and coordinated behavioral health, school, and community support services. T.W. was not doing well at home or school and there was concern that removal from the home was imminent, so T.W.’s mother and social worker contacted OCRA.

What T.W.’s mother and social worker believed was needed was a brief stay in a safe place for T.W whose IPP specified that he was to get 21 days of out-of-home respite a year. The regional center had not been able to make the much-needed placement. Upon intervening, OCRA learned that due to T.W.’s needs and “history of being a fire starter,” the regional center had not been able to locate an out-of-home respite placement. Progress towards placement was at an impasse.

The CRA’s investigation confirmed that the “fire starting” was a one-time incident over five years ago. A coordinated strategy to find a respite placement with additional supports in place was developed by the regional center, OCRA, and the family. The regional center proceeded with the preparation and submission of a new placement packet for T.W. Within a week, not only was a temporary out-of-home respite placement found, but a permanent out-of-home placement option was also located.

T.W.'s mother elected to try the temporary out-of-home respite first. OCRA has been informed that the placement was successful, and has helped greatly to reduce stressors at home. Andrew Holcombe, CRA, Far Northern Regional Center.

E.G.'s Counseling Services Reinstated.

E.G. received counseling services from the regional center for 12 years. When the changes in the Lanterman Act went into effect in August, 2009, E.G. received a NOA from the regional center that her counseling services were being terminated. E.G. contacted OCRA for assistance with appealing the regional center's decision.

The Assistant CRA discussed the issues with E.G.'s counselor and was able to obtain a letter from the counselor written on E.G.'s behalf. The letter stated that E.G. was in need of additional counseling services due to her developmental delays which affect her ability to handle the stressors of her physical condition, family dysfunction and past childhood experiences. The counselor went on to state that E.G. would be at risk for psychiatric hospitalization without continued counseling services.

E.G. appealed the regional center's decision to terminate her counseling services. OCRA represented E.G. at the informal hearing where OCRA explained that E.G.'s counseling services should be considered a medical therapy. OCRA also maintained that E.G. qualified for an exemption from reduction of services since counseling is the primary means E.G. has for ameliorating the effects of her seizure disorder and intellectual disability.

The regional center decided to reinstate E.G.'s counseling and provide additional counseling sessions for the months of July and August that were missed due to the termination of her counseling services. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

Brothers Awarded Regional Center Eligibility.

M.S. and R.S., both foster children, were denied regional center eligibility on two occasions but neither the Department of Children and Family Services (DCFS) nor previous foster care homes followed up on regional center eligibility for the brothers. The boys were placed with a new foster parent who fell in love with the boys and began the process to adopt them.

The foster parent contacted OCRA for assistance. OCRA evaluated the case and contacted a DCFS psychologist who had previously assessed the boys. The psychologist agreed to review records (including the assessments conducted by regional center vendored psychologists) and reassess the boys if necessary. The psychologist conducted additional testing. The original assessment and the addendum from the psychologist were submitted to the regional center for consideration. Unfortunately, the regional center issued a denial of eligibility for both boys.

OCRA filed for fair hearing and requested an informal meeting with the regional center. The foster parent and OCRA attended the informal meeting. The foster parent answered all the questions from the regional center staff and affirmed the behavioral, cognitive, and adaptive limitations the boys had demonstrated at home, in the community, and at school.

Two weeks later, the regional center revoked its initial denial of eligibility and made the boys eligible for services. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

SPECIAL EDUCATION

Client Receives Post Secondary Education Services until Age 23.

R.B. was referred for an initial special education evaluation in August, 2009, the summer before his senior year in high school. The school district did not perform the evaluation. R.B.'s parents contacted OCRA in August, 2010, when they were informed that R.B. had aged out of high school and no more educational services would be provided. OCRA immediately contacted the district administrator and requested that the assessments be completed and an Individual Education Program (IEP) meeting held.

At the IEP, R.B. was offered post secondary education services. These services will last until he turns 23 years old. This includes one year of compensatory services for failure to timely assess and identify him for special education. R.B. is now receiving appropriate educational services. Rita Defilippis, CRA, San Andreas Regional Center.

District Agrees to Provide ABA Services During Summer School.

T.N. is a 5-year-old student with autism. Pursuant to his IEP, T.N.'s special education services include 3.5 hours of applied behavior analysis (ABA) services per day. The school district informed the family that ABA services would not be provided during summer school. The family contacted OCRA as it was concerned that T.N. would regress without continued services. OCRA contacted the Director of Special Education and explained that related services, such as ABA, must be provided pursuant to the IEP for the duration of summer school. The district agreed to provide the ABA during summer school program. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

District Agrees to Build an Appropriate Restroom for Students with a Disability.

M.C. is in second grade at her local school. Her mother contacted OCRA, concerned that M.C. had fallen off a changing table while being diapered at school. Upon investigation, OCRA discovered that students were being diapered in the main classroom in a makeshift changing area that was not safe and did not provide any privacy. The small area in the back of the room was not wheelchair accessible. It was merely an area of the room cordoned off by a shower curtain. Any student being changed could be seen by others in the room because the shower curtain was not large enough to fully cover the area. There was also no backrest or hand rail for students to grasp for support.

OCRA contacted the Director of Special Education and explained the situation and how it violated the rights of students with disabilities. Construction immediately began for a student restroom. The new restroom is wheelchair accessible, safe, and meets the privacy needs of the students. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

A.L. Remains in the Least Restrictive Environment.

A.L. lives with his family and attends a special education program at a public school. Due to A.L.'s disability, he demonstrates behaviors, some of which are aggressive towards school staff and students. As a result, the school district proposed to change A.L.'s placement to a more restrictive, non-public school placement. The school district also began suspending

A.L. for each behavioral incident in its attempt towards changing A.L.'s placement.

A.L.'s mother contacted OCRA for assistance. OCRA agreed to represent at an IEP meeting. At the meeting, OCRA maintained that the school district failed to provide all services and supports necessary to maintain A.L. in his current least restrictive placement. The school district had not implemented a behavior support plan (BSP), had not completed a functional analysis assessment (FAA), and had not provided A.L. with 1:1 support staff, among other less restrictive alternatives. The school district agreed to draft, and implement a BSP based on the FAA's recommendations. Before the BSP could be implemented, A.L. was suspended yet again, triggering a manifestation determination meeting to determine if the behavior that A.L. had exhibited was a result of his disability. OCRA represented A.L. at the manifestation determination IEP meeting and maintained that the behaviors were a manifestation of A.L.'s disability and a direct result of the school district's failure to provide necessary services and supports. The school district agreed and did not proceed with an expulsion. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

K.R. Receives Transportation Services and Attends School.

K.R.'s mother called OCRA because the school bus had not picked up K.R. in two days. K.R.'s father was able to drive him on one of the days but K.R. had missed his second day of school. The mother is a monolingual Spanish-speaker. Despite many efforts by the mother to get information, no one could give her an answer as to when transportation would start for K.R.

OCRA had previously worked with K.R. and was familiar with K.R.'s IEP. The IEP clearly stated that K.R. would be provided transportation to his new middle school. OCRA called the Director of Special Education and informed her that K.R. was not in school because transportation was not being provided. The director ensured that transportation would be provided and that K.R. would attend school the following day, which happened. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

OCRA Advocates for Disability Related Transportation.

OCRA was contacted because S.M.'s parents disagreed with a school evaluation and S.M. was not being transported to school. Due to S.M.'s medical condition, she needs special care on the school bus. OCRA provided direct representation at an IEP meeting. The school district agreed to provide the needed air conditioned bus with a licensed vocation nurse. S.M. will be the last child picked up and first child off the bus thus reducing her travel time on the bus. The district also agreed to provide a new assessment. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Maricruz Magaleno, Temporary Assistant CRA, Central Valley Regional Center.

Least Restrictive Placement Is Preserved.

D.V.'s mother had worked hard over many years to have D.V. attend an elementary school in her community and participate in mainstreaming. D.V.'s mother was devastated when she was informed during an IEP meeting that D.V.'s placement would be changed to a more restrictive setting. D.V.'s mother did not agree with this proposed action and did not sign the IEP. D.V.'s mother contacted OCRA for assistance. OCRA provided technical assistance to D.V.'s mother to prepare for an additional IEP meeting. At the IEP meeting, the school agreed that D.V. would be allowed to stay in her current least restrictive placement. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

OCRA Helps A.S. with School Services.

A.S. is a six-year-old student who is fully included in the second grade. A.S.'s mother contacted OCRA to request assistance in advocating for services at school for A.S. A.S.'s mother is monolingual Spanish speaking. She did not understand some of the services included in A.S.'s current IEP. She did not agree with the district's recommendation for placement in a special day class. A.S.'s mother wanted him to remain fully included with the supports necessary for him to progress. A.S.'s mother also wanted A.S. to have a 1:1 instructional aid and occupational therapy. The district agreed to conduct an occupational therapy assessment to review A.S.'s sensory issues, as well as his fine and gross motor problems. The district also clarified the specialized academic instruction identified on A.S.'s current IEP, which consisted of 1:1 instruction in the regular education

classroom from the Resource Specialist Instructional Assistant for 30 minutes per day. Another IEP meeting will be scheduled to review the occupational therapy assessment as well as the mother's request for a 1:1 instructional aid. At this time, A.S. will remain in his fully included second grade class. Kathy Mottarella CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center, Jazmin Romero, Assistant CRA, Lanterman Regional Center.

OUTREACH/TRAINING

Consumer Advocates Play Clients' Rights Mega-Bingo!

OCRA was invited to participate in the Area Board 6 Self-Advocacy Council quarterly meeting on August 6, 2010, in Modesto. The Area Board 6 Self-Advocacy Council includes the counties of Stanislaus, San Joaquin, Tuolumne, Calaveras, and Amador counties. Consumer advocates traveled from each county and over 250 self-advocates enjoyed a fun day of learning about their rights.

Many people yelled out answers and ideas about clients' rights throughout the Clients' Rights' Bingo game. The crowd had lots of fun learning new things and sharing ideas.

Clients' Rights Mega-Bingo always manages to keep the group active and makes for a fun time. Consumer advocates received prizes for each bingo and when time was running out, OCRA passed out prizes to everyone. The packed community hall was roaring with laughter and filled with smiles by the end of the game. Leinani Walter, CRA, Filomena Alomar, Assistant CRA, and Gail Gresham, Supervising CRA, Valley Mountain Regional Center.