

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Fall 2008

BENEFITS

U.A. Receives the State Maximum of 283 Hours of IHSS.

U.A. is a severely disabled 8-year-old boy. He had been approved for 43.8 hours per month of In-Home Support Services (IHSS). U.A.'s mother attended a training sponsored by OCRA and thought he might be eligible for more hours. The mother completed the self-assessment packet and determined that U.A. was eligible for considerably more hours. The completed self assessment form was given to the IHSS social worker at the annual re-assessment.

Despite being given documentation of U.A.'s needs, the same hours were awarded for the next year. U.A.'s mother then contacted OCRA. OCRA filed for hearing seeking 283 hours per month retroactive to the effective date of the notice of action (NOA), December 1, 2006.

After negotiating with the Appeals Specialist, OCRA agreed to a Conditional Withdrawal for Reassessment. Harbor Regional Center agreed to fund a nursing and IHSS assessment prior to the reassessment, at OCRA's request. OCRA also had U.A.'s general practitioner completed the forms related to protective supervision. OCRA attended the reassessment and submitted the nursing/IHSS assessment and forms related to protective supervision. The IHSS social worker examined the information and agreed that U.A. was entitled to more hours but could not accept the medical documentation from a general practitioner. She requested that the forms be completed by a specialist.

OCRA then worked with U.A.'s neurologist to have the forms completed and with the mother to get documentation from her employer. Once the forms were submitted, IHSS was approved for the state maximum of 283 hours per month. This benefit was

awarded retroactive to December 1, 2006. Katie Hornberger, CRA, Abigail Perez, Assistant CRA, Harbor Regional Center.

G.L. Found Eligible for Medi-Cal.

G.L. was diagnosed with cancer but did not have any medical insurance to pay for the cost of the surgery his physician was recommending. G.L. had applied for Medi-Cal but was experiencing long delays in the county processing his application. After several months of waiting, G.L. was referred to OCRA for assistance. OCRA agreed to provide direct representation. OCRA requested that the county find G.L. presumptively disabled for Medi-Cal because he was a person with mental retardation and he had cancer. The county denied presumptive disability.

OCRA filed a request for an administrative hearing. In preparation for hearing, OCRA requested that the regional center fund an updated psychological evaluation because the most recent one was 20 years old. The county had sent G.L.'s application to the State Disability Evaluation Determination (DED) office. The updated psychological evaluation was provided to the state DED eligibility worker who found G.L. had a disability which qualified him for Medi-Cal. When the county determined that G.L. was eligible for full scope Medi-Cal with no share of cost, the hearing request was withdrawn. Kathy Mottarella, CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

OCRA Helps Family Get IHSS Including Retroactive Hours.

I.N.'s family applied for IHSS in April, 2007, when I.N. was on a Medi-Cal waiver. The waiver made him eligible even though his parents earned too much money. While I.N.'s application was being processed, his father lost his job, which automatically made I.N. immediately temporarily eligible for Medi-Cal and IHSS under a different program, while permanent eligibility was processed. The county never processed I.N. under the low-income program. A few months later, I.N.'s father returned to work, so the county should have then again made I.N. eligible under the waiver. The county did not do this. During this process, which took longer than a year, the family's income was seriously reduced because I.N.'s mother was providing

his care without any pay under IHSS. As a result, the family lost its home.

The family called OCRA, which sent numerous letters and made many phone calls to both the county and Medi-Cal before I.N. was made eligible for IHSS services. OCRA had informed IHSS that I.N. would be requesting retroactive hours to April, 2007, because the eligibility determination was not done correctly. When I.N. received his NOA for IHSS, the county had made the hours retroactive to April, 2007. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Family Gets Overpayment Waived.

S.B., a 4-year-old SSI recipient, received a NOA from the Social Security Administration (SSA) that he was being charged with a \$4,000 overpayment based on SSA's calculation of his parents' income. His father is in the military and spends long periods in other countries, which makes his income change often. Although S.B.'s mother asked SSA to reconsider its notice or waive the overpayment based on hardship, SSA later told her it did not have a reconsideration or waiver request on file. After S.B.'s mother asked OCRA to become involved, the CRA contacted SSA and the worker found the reconsideration and waiver requests. The CRA then convinced the SSA worker to look at new evidence of the parents' income. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

SSI Overpayment Rescinded.

C.R. received a notice of an SSI overpayment. His mother, who is his representative payee, said that C.R.'s day program was supposed to send his pay stubs to SSI every month. She was not certain if this had been done. OCRA contacted the day program. It stated that the pay stubs had been submitted each month as had been requested.

OCRA submitted a Waiver Request and a Request for Reconsideration on the basis that the overpayment was not C.R.'s fault and that paying back the overpayment would interfere with C.R.'s ability to pay for food, clothing and shelter. C.R. received a

letter several weeks later stating that the overpayment had been waived. Katy Lusson, CRA, Golden Gate Regional Center.

Retroactive SSI Payment Awarded.

L.L. is a consumer who receives SSI. Multiple attempts had been made by L.L. and her sister to collect a \$12,000 retroactive payment, the validity of which was not in question by SSA. Each time L.L. and her sister contacted SSA, they were told that the payment was definitely owed to her, and that it would arrive shortly. A year passed without success in receiving the payment from SSA. With the support of her sister, L.L. contacted OCRA.

OCRA brought L.L.'s situation to the attention of her congressional representative. Based on the information gathered and sent by OCRA, the office of the congressional representative intervened and L.L. received her \$12,000 retroactive payment in full. Amanda St. James, Assistant CRA, Golden Gate Regional Center.

CRIMINAL LAW

OCRA Keeps A.R. out of Jail.

A.R., arrested for threatening someone with a knife, was charged with felony assault with a deadly weapon. The judge who A.R. appeared before had worked as a disability advocate and contacted OCRA to assist. The CRA met with the judge and others in chambers and all agreed that a diversion program was appropriate for A.R. The CRA worked with the regional center to establish a comprehensive diversion plan and appeared in court for all hearings. After three appearances, it was clear that A.R. was responding well to the program and appearances were scheduled every three months. The court recognized A.R.'s efforts to maintain his job and attend counseling sessions. As a result, the diversion program was terminated in July, 2008, and the charges against A.R. were dismissed. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

PERSONAL AUTONOMY

D.H. Uses Lemon Law to Get a New Wheel Chair.

D.H. called OCRA because she was provided a wheelchair that had too many features and was too big for her to safely use. In addition, the battery would not hold a charge and D.H. would find herself stranded in the community in a chair that would not move. D.H. had called the wheel chair provider more than once to resolve the issue before calling OCRA. The CRA explained the lemon law to D.H., why it applied to her situation, and agreed to contact the chair provider to try to resolve the issue. Before the CRA had a chance to contact the provider, D.H. resolved the issue herself by getting information from her doctor that supported her claims that the chair was inappropriate for her. The provider took the wheelchair back and provided D.H. with one that meets her needs and works. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

S.S. Attends Brother's Wedding.

S.S. made plans to attend her brother's wedding. S.S. had notified her group home and her conservator of the wedding date, and was given approval to attend from both. Within a week of the wedding, OCRA received a frantic call from S.S., stating that her conservator told S.S. and the group home that S.S. could not attend the wedding. The conservator was threatening the group home. OCRA, the regional center service coordinator and S.S.'s sister worked together to assure that S.S.'s rights would not be violated. S.S. was able to attend her brother's wedding. Jacqueline Miller, CRA, Cynthia P. Salomón, Assistant CRA, Regional Center of Orange County.

J.D. Avoids Conservatorship.

J.D. is a 35-year-old whose mother wanted to conserve him. The regional center was supporting the conservatorship. J.D.'s mother and the regional center believed J.D.'s care home was interfering with his mother's ability to have a relationship with J.D. OCRA met with J.D. and, although he said he wanted more of a relationship with his mother, J.D. also said, "I don't want anybody running my life." J.D. requested that OCRA "fight it" for him.

OCRA went to court and met with the public defender, the parent's attorney, the judge, the regional center's attorney and the family court counselor and helped broker an agreement under which J.D.'s parents would withdraw their petition for conservatorship after six months, if they are able to have regular visits with J.D. The judge vacated the order for J.D. to have a psychological evaluation and the regional center agreed to fund counseling services for J.D., his care provider and J.D.'s mother. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

REGIONAL CENTER

J.C. Gets Day Care.

J.C. is a child with behavioral issues and a sleep disorder. J.C.'s mother met with the regional center and asked it to fund day care services while the mother went to school to obtain her GED. Although a regional center supervisor told the mother that the regional center would fund day care, the regional center issued a NOA denying the mother's request. OCRA then agreed to represent the family at a hearing. In the regional center's evidence packet, the Assistant CRA found several notes from the service coordinator which confirmed the supervisor's approval of day care.

The existence of the notes and the testimony of the service coordinator regarding these notes were the factors that led to the ALJ ruling in J.C.'s favor. The regional center was ordered to provide day care for J.C. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

L.C. Will Soon Be a Homeowner!

The quality of L.C.'s life has greatly improved since her receipt of services from the regional center. L.C. came to OCRA about two years ago after she had been denied regional center eligibility. OCRA gave her some guidance on how to appeal, criteria for eligibility, and the documents that needed to be submitted.

Since L.C. was found eligible, OCRA has assisted her in her IPP process, finding gainful employment, and other issues. Soon L.C. will own her own home. OCRA was able to secure her a place on the 18-person list of clients who will be allowed to purchase a townhouse. Valerie Geary, Assistant CRA, Kern Regional Center.

Program Will Cover Summer and New School Year.

D.G. is a 3-year-old with autism and has a sibling with autism. D.G. began receiving his preschool discrete trial training (DTT) program in early May. The school district informed D.G.'s parent that the program would terminate for the summer because there was no extended preschool program offered.

D.G.'s parent approached the regional center for funding the DTT program over the summer and it refused, stating that such a program is educational in nature and thus the regional center is not legally obligated to fund it. D.G.'s parent immediately contacted OCRA.

OCRA represented D.G.'s parent in her fair hearing against the regional center. OCRA was able to convince the regional center that it was obligated to fund D.G.'s summer program and provide hours for the 2008-2009 academic year. Thus, the regional center agreed to provide retroactive hours for the summer DTT program and fund the home portion of the program for the new school year. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

OCRA Provides One-Stop Advocacy Service.

R.S. is a young boy with autism and limited expressive language development. As a person with autism, R.S. had been benefitting from floor time therapy. The provider recommended continuation of the therapy but the regional center failed to continue the service. When R.S.'s parent asked about the service, she was not given an actual start date. Also, R.S.'s parent needed additional respite hours, a parental behavior intervention training program and help dealing

with feeding problems that R.S. was encountering as a result of her autism.

OCRA staff provided technical assistance to the parent in drafting a letter requesting continuation of floor time therapy services, a nutrition assessment, participation in a parental behavior intervention training program, and an increase of respite hours from 16 hours a month to 24 hours a month. After several discussions, the regional center agreed to all of the parent's requests. R.S.'s parent is so encouraged by the advocacy success that she is now preparing her self-assessment packet for IHSS. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

S.E. Is a Regional Center Client Again.

S.E. placed a desperate call to OCRA late on a Friday afternoon seeking help obtaining home healthcare over the weekend. S.E. had found OCRA's number on the internet. The CRA explained that OCRA is a non-profit law firm that provides free legal services to people with developmental disabilities, not in home care. In discussing the situation with S.E., the CRA learned that S.E. had been a client of a regional center during the 1980's. S.E. moved from the catchment area and lost all contact with regional centers. OCRA then obtained S.E.'s permission to contact two regional centers to get S.E.'s case re-activated. After OCRA contacted both regional centers, S.E.'s case was reopened and a service coordinator was assigned. Katie Hornberger, CRA, Harbor Regional Center.

Funding for Hoyer Lifts Approved.

C.S. has many unique needs based on multiple disabilities. C.S.'s mother requested resources and information from OCRA on how to prepare for an informal hearing against the regional center. Due to C.S.' mother's disability, C.S. required more than one Hoyer lifting device installed in the home.

OCRA prepared the family for informal hearing and advised of C.S.'s due process rights. C.S. prevailed at informal hearing. The regional center agreed to fund installation of three Hoyer lifts mounted to the

ceiling with three stationary motors in each room. C.S. and his parent were very happy with the results. This service will provide household access for the consumer in the least restrictive environment.
Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

OAH Denies Motion to Dismiss in Eligibility Case.

G.E. was denied eligibility for services from the regional center. G.E. reapplied on the basis of new evidence. The regional center filed a motion to dismiss based upon a prior denial of eligibility. OCRA filed written opposition to the motion and a hearing on the matter was set. The motion to dismiss was denied. Following additional evaluation, G.E. was found eligible for regional center services and supports.
Arthur Lipscomb, former CRA, San Andreas Regional Center, Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, Tom Diverde, Supervising CRA, San Andreas Regional Center.

Regional Center Funds Full-Time Nursing Services.

D.S. is a man in his 40s who has a severe seizure disorder. He lives in his own apartment with a service dog and support. OCRA had been working with D.S. and his family for several years to put together a supported living plan (SLP). D.S. began having very severe and frequent seizures that were not controlled. He was in the hospital for several weeks. When he returned home, he required 24-hour support and services.

D.S.'s mother had been the main IHSS provider, but due to health problems, could not continue in this role. D.S. was also receiving some SLS services but was unable to increase the amount of support provided. It became clear that in order for D.S. to remain safely at home, he would need 24-hour care and nursing services would be needed for some time,. Medi-Cal was willing to pay for D.S. to go to a skilled nursing facility but not to pay for full-time nursing at his home.

OCRA assisted the family with scheduling an IPP meeting with the regional center and all care providers. A request was made for around-the-clock nursing and personal assistance services. The regional center approved 499 hours. An agency was found that

agreed to provide the services, allowing D.S. to remain in his home. Katy Lusson, CRA, Golden Gate Regional Center.

RIGHTS IN THE COMMUNITY

B.T. Regains Paratransit Privileges.

B.T. independently rode paratransit for four years. On a recent outing, B.T. made what the driver considered inappropriate comments to her and B.T. gave the driver a hug at the end of his ride. The driver complained that B.T. had assaulted her and filed a sexual harassment complaint against him. When the paratransit agency responded by permanently suspending B.T. from use of paratransit services, OCRA was notified of the suspension and agreed to represent B.T. in the agency's hearing. The CRA submitted a brief with relevant exhibits and provided oral argument at the hearing. After testimony from B.T., his personal aide and his mother, a three-member panel upheld the suspension.

The paratransit agency granted OCRA's request for reconsideration, at which OCRA again submitted a brief with additional argument. At the reconsideration hearing, another three-member panel heard the oral argument and additional testimony from the personal aide and B.T.'s mother. The panel decision provided for conditional use privileges, i.e. a personal aide was required to ride with B.T. for the next 6 months, after which B.T. could apply for full unrestricted use of the paratransit service. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Advocates for Client to Begin Day Program.

OCRA was initially contacted by S.B.'s sister who reported that her brother's day program was denying him the opportunity to participate because S.B. had hepatitis C, which, according to the program, posed a risk to the health and safety of the other consumers. Working closely with the regional center's clinical and case management staff, OCRA explained in a letter to the program that no danger existed as long as the day program staff followed universal safety precautions with regard to exposure to blood and that

prohibiting S.B.'s participation in the program violated both state and federal antidiscrimination laws. Upon receipt of OCRA's letter, the day program agreed to accept S.B. on the condition that the regional center fund a one-to-one aide to ensure that S.B. remained safe during the course of the program. The regional center agreed to this proposal and S.B. is back in his day program. Bebo Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

Garnishment for Child Support Terminated.

S.G. has mental retardation and is receiving SSI and is also receiving SSA benefits as a Dependent Adult Child. S.G. has a 15-year-old daughter who recently was placed in the foster care system, triggering a District Attorney's Office, Child Support Division, action for child support. Prior to coming to OCRA, a default judgment for child support had been entered.

OCRA first contacted the Child Support Division and confirmed that the support order was calculated based upon the SSA income, and that S.G.'s SSI benefits were not included.

Next, working with the regional center as the representative payee for S.G., it was established that S.G.'s entire income (SSI and SSA) was dedicated to paying for her basic needs. Further, the argument was put forward that the SSA Dependent Adult Child benefits were based upon S.G.'s parents' earnings. They were not earnings or income of S.G. that should be considered in calculating a child support obligation. The SSA was based upon the parents' earnings and effectively reduced the amount of exempt SSI that S.G. would otherwise be getting.

The Child Support Division accepted the analysis, and voluntarily vacated the default and set aside the child support judgment. This enabled S.G. to have sufficient income to be able to continue to live independently on her own. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center

Athlete Can Participate Once Again and Moves into a New Home.

M.C. is an athlete and loves social events. She regularly participates in 7 different sports through the day program that she has been attending for 11 years. She had moved into a new group home. The director wrote M.C. a letter stating that she could not participate in any activities for 90 days due to behavior problems in the home, allegedly before and after the outings.

OCRA visited M.C. at her day program and M.C. stated she did not want to be denied her right to play sports and go on outings. She also wanted to move to a different group home. OCRA negotiated with the residential manager at the regional center and spoke to the group home owner. OCRA was successful in getting the group home to cease the denial of rights immediately. OCRA also assisted M.C. with giving her 30-day notice to the group home and choosing a new home. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Consumer Banned from Department Stores Allowed to Return.

C.C. is a non-verbal man who has been going to a department store in the mall near his home for many years. When a new manager took over, C.C. indicated to his staff that the manager had informed him that he had to leave the store. OCRA interviewed C.C. with his staff and then went to the department store and spoke with the manager. The manager stated that she had not told C.C. that he had to leave, but rather that he could not stand by the registers and that he could not put his backpack (which actually turned out to be a small suitcase on wheels) behind the register. She also admitted that the salespeople had been allowing him to do this for years but that it could not continue.

OCRA met with C.C. and his residential staff. C.C. agreed to go with a smaller backpack so that he could keep it with him. Katy Lusson, CRA, Golden Gate Regional Center.

SPECIAL EDUCATION

Spanish Sign Language Goal in IEP.

M.M.'s mother, a Spanish-speaking parent, called OCRA because she was unhappy with her 19-year-old son's communication progress and with the district's failure to respond to her concerns. Because M.M. is unable to speak, his mother wanted M.M. to be taught sign language and had advocated unsuccessfully for years for that to be added to the IEP. The CRA went to an IEP to advocate for a sign language goal so that M.M. would be able to communicate with others. The CRA secured one goal where sign language would be taught to M.M. with the help of an aide and also convinced the district to translate the sign language into Spanish so the mother could practice with him at home. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

District Properly Assesses W.K.

W.K. is a regional center consumer who has been diagnosed with Asperger's Syndrome. Although W.K. receives high marks in school, he engages in a wide range of behaviors which make it extremely difficult for him to socialize with other students. Despite knowing about W.K.'s difficulties with socializing and behavioral issues, his current middle school did not conduct a thorough psycho-educational evaluation and discounted his treating psychiatrist's recommendations. W.K.'s mother contacted OCRA before an informal dispute resolution meeting with the district. OCRA provided counsel and advice to W.K.'s mother and informed her of W.K.'s educational rights. After speaking with OCRA, W.K.'s mother spoke with a district representative and was able to obtain independent educational evaluations in the areas of psycho-education and occupational therapy, along with the district's assurance that a behavior support plan would be adopted, if necessary. Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center

M.S. Remains in School after Manifestation Determination.

Because M.S. has trouble with loud noise and crowded conditions, his parents requested that he not be required to participate in physical education (P.E.) class. This request was denied. M.S. did

take part in P.E. where there was little or no supervision while the students were getting dressed. Four separate P.E. classes met in the gym at the same time. With the loud noise and so many people present, it was overwhelming and difficult for M.S. to participate in P.E. He often would arrive late, so that he would not have to participate. One day, a fire was started in the boy's bathroom and M.S. was accused of starting the fire. The parents of M.S. were told that M.S. would be expelled and that he was suspended for the last week of school.

OCRA was asked to keep M.S. from being expelled. At the Manifestation Determination Meeting, OCRA explained that M.S. denied that he committed the fire, but if it was found that he did, then his behavior was caused by or had a direct and substantial relationship to M.S.'s disability of autism. The IEP Team agreed and M.S. was not expelled. In addition, the school agreed that M.S. did not have to participate in P.E. the following school year, but could show proof that he took a martial arts class after school. A Positive Behavior Plan was also created so that M.S. would have the supports and services he needs to be successful. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

OCRA Helps S.C. Get Evidence.

S.C.'s parent called OCRA for help in getting evidence for a due process hearing against a school district. S.C.'s educational consultant went to and recorded an IEP. When the district failed to implement the IEP, the family decided to file for due process against the district and asked the consultant for the recording. Although the consultant said he would send the tape to OCRA, he never did. The CRA followed up by writing a letter to the consultant and the executive director of the regional center to request the tapes again. OCRA never received a response. The CRA filed a 4731 complaint against the consultant, after which the regional center intervened and the tape was provided. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Ensures Client Continues Receiving an Appropriate Program.

As C.A.'s new IEP was implemented, C.A.'s mother felt the 1:1 aide did not have good communication with C.A. because C.A.'s primary language was Spanish. C.A.'s mother contacted OCRA requesting representation at the annual IEP meeting to advocate for that service change. After the OCRA agreed to represent to ensure C.A.'s continued educational success, OCRA reviewed the goals and objectives of the previous IEPs and realized that math was not part of C.A.'s educational goals and that an appropriate transition plan had not been created. The Assistant CRA represented C.A. at the annual IEP and, as a result, C.A. now has a bilingual 1:1 aide, a math goal, and an appropriate transition plan. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

Bullied Student Returns to School.

W.D. is a 13-year-old student who was the victim of racial and disability slurs in the school setting. W.D.'s abusers also told him they were coming with a shotgun to his house to kill him and his family. OCRA advised the parent to report the incident to the sheriff, keep W.D. at home for a time, and request an emergency IEP meeting to address the safety problems and the services W.D. will need to work through the bullying and threats. OCRA represented the client at the emergency IEP meeting where the district agreed to a plan to protect W.D. at school and on the bus. The district also agreed to conduct a functional behavior analysis assessment and provide counseling and social skills training for W.D. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

Inclusion with Age-Peers and Behavior Interventions Provided.

A.A. is a young girl with Down Syndrome whose parents want her included in the general education program with her same-age peers. The school had used a separate room adjoining the resource room for a paraprofessional to work with A.A., which excluded her from interaction with all her classmates. The reasons given were behavioral problems and inadequate attention span. A.A.'s parents

sought help from OCRA. After reviewing the IEP, OCRA and the parents met with the school to discuss a more positive approach to behavior interventions.

It was eventually agreed to begin behavior interventions aimed at extending attention span, and include the consumer with age-peers with a curriculum geared to her academic level. Doug Harris, CRA, Redwood Coast Regional Center.

School Nurse Cuts Fully Restored.

A.H., D.H., and J.F. are special education students in a rural school district covering 773 square miles. All three have severe medical conditions. In Spring, 2008, the district announced that it was reducing its nursing staff from 1.35 full time equivalents (FTE) to .35 FTE. All three students faced serious harm from this proposed reduction. OCRA assisted the parents of the three students in filing Compliance Complaints. The complaints cited each student's Individualized School Health Care Plan. After the start of this school year, the district more than restored the cuts. There are now 1.85 registered nurses that work for the school district. Jim Stoepler, CRA, Redwood Coast Regional Center, Eureka and Ukiah.

Preparation Results in General Education Kindergarten Placement.

A.S.'s mother was advocating for placement of A.S. in a general education kindergarten class. A.S.'s mother strongly believed it was the appropriate placement for A.S., especially since he was performing at or above grade level. A.S.'s mother attended a couple of IEP meetings for A.S. but the local education agency (LEA) did not agree with full inclusion and only offered a special day class with some mainstreaming. A.S.'s mother contacted OCRA for assistance in drafting a letter to the LEA and preparation for an IEP meeting. The CRA assisted A.S.'s mother with drafting a letter identifying her disagreement with the offered placement. The CRA also met with A.S.'s mother and prepared her to discuss her concerns about A.S.'s placement. A.S.'s mother attended a couple of IEP meetings and was ultimately successful. A.S. was placed in a general education

kindergarten class. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

Judge Awards W.B. More Therapy.

W.B. was at the end of his second grade year in the local elementary school and has been fully included since attending the district's Head Start program. The parents had unsuccessfully requested an increase in speech therapy from the district to replace private therapy previously paid for by the father's health insurance. After the district denied the parents' request to increase therapy from two group sessions per week to three individual sessions and one group session per week, the parents appealed.

When the parents were unsuccessful on their own in mediation, they called OCRA, which agreed to represent at the due process hearing. Following three days of testimony from fifteen witnesses, the judge ordered that W.B. be provided what the parents had requested. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

Regional Center and School District Provide Behavior Services.

When N.V. turned 3, the Early Start program ended and the regional center told the parents that the school district would have to provide the behavior services. When the parents met with the district, it offered only one classroom placement and told the parents that the district had no applied behavior analysis (ABA) program. The CRA advised N.V.'s mother to request continued ABA through the regional center to avoid a gap in services while OCRA investigated. The regional center agreed to fund the services after an assessment found a continued need for direct intense behavior modification. The regional center report further stated that N.V. did not display the appropriate foundation skills to be successful in a group environment, such as a classroom setting. The CRA agreed to file for due process against the district. Prior to filing, the district agreed to another IEP meeting at which the district agreed to co-fund with the regional center a total of 30 hours of behavior services through 1:1 instruction. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

Student Secures Transportation to School.

C.T. is a 4-year-old boy diagnosed with autism. He lives in a small school district. His parents were told that the district did not provide transportation for special education students unless they were being bussed in from another district. OCRA contacted the district and sent them a copy of the regulations on transportation. OCRA was then contacted by the school district's attorney and began a series of meetings and negotiations.

The school district agreed to pay for transporting C.T. OCRA then began exploring what mode of transportation would be appropriate. OCRA explored with the behavioral support service serving C.T., the possibility of allowing its staff to contract with the school district and provide transportation. When this did not work out, the parents agreed that the district would contract with a cab company that would transport C.T. and his babysitter to and from school and return the babysitter home after each of these rides. This arrangement is to continue throughout this school year. Katy Lusson, CRA, Golden Gate Regional Center.

Inter-District School Placement Preserved in Full-Inclusion Classroom.

E.B. is bilingual and fully included in her 5th grade classroom with a 1:1 aide. E.B.'s school district advised the parent at the end of the school year that E.B. could not remain on inter-district transfer status because there was no space at her transfer school. They said that E.B. would need to return to her home school. E.B. had attended her current school since kindergarten.

E.B.'s mother argued that changing her placement, supports, and environment, would likely result in regression. E.B. had made significant academic, behavioral, and personal progress over the last several years. The mother did not want to inhibit E.B.'s progress by this move. The mother believed that the bilingual 1:1 aide was well-trained and the natural support and made the placement at the school particularly invaluable to E.B.'s success in her full-inclusion program.

OCRA assisted the mother in drafting a comprehensive letter to the special education director to communicate the mother's concerns and outline strong legal arguments. In a subsequent IEP, the special education director agreed to keep E.B. in her current placement with all of her supports in place. Leinani Neves, CRA, Valley Mountain Regional Center.

Educational Placement Demanded after Release from Developmental Center.

D.R. is a 17-year-old who returned home after a stay at Porterville Developmental Center. D.R. had been in a county school prior to going to Porterville. OCRA was contacted by D.R.'s regional center social worker who said that she had been contacting the county and district for months and was not getting any response about D.R. returning to school. At that point, D.R. had missed more than a half year of his education.

OCRA met with D.R. and his family. D.R. said that he had gotten in trouble because of gang activity at his home school and did not want to return there. He wanted to go to school as soon as possible to learn to read and write—but not at his previous school.

OCRA then began a series of calls to both the school district and the county. Each stated that the other entity was responsible for placing D.R. An IEP was scheduled. Because D.R. was afraid of gang activity and there was not an appropriate district placement, the district agreed to fund a non-public school (NPS). D.R., his parents and the social worker visited two NPS placements and felt that one of them would be appropriate for D.R. The district added an addendum to D.R.'s IEP so D.R. was able to attend the NPS. Katy Lusson, CRA, Golden Gate Regional Center.

Youngster Transitions to Kindergarten.

E.S. was transitioning from Early Start to kindergarten. His father spent many months attempting to arrange for assessments so that E.S. could be appropriately placed when school began in the fall. The father contacted OCRA because he was not being assisted by

the school district nor was the social worker able to facilitate the district acting in a timely manner.

OCRA contacted the school psychologist who said that due to a family emergency, she had been off all summer and no one else had attended to her work. OCRA stressed that while we understood the circumstances, the district was out of compliance with the requirements of the law. The assessments were scheduled and completed within the next three weeks and an IEP was scheduled. E.S.'s father informed OCRA that they were pleased with the results of the assessments and the placement offer, and that E.S. would begin school within a week. Katy Lusson, CRA, Golden Gate Regional Center.

Educational Placement Secured Following Manifestation Determination.

U.V.'s parents informed OCRA that the school district was addressing U.V.'s behavior problems by suspending him over and over again. OCRA attended several manifestation determination hearings and after providing legal argument, the district agreed that U.V.'s behaviors were due to his disability.

The school district agreed to conduct a functional behavioral analysis assessment. OCRA represented U.V. during the next IEP, at which the district agreed to a new placement and a 1:1 aide to work with U.V. The behaviors are being addressed by a behavioral intervention plan. U.V.'s mother reports that his behaviors have notably improved and as a result, so has his academic progress. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center

Consumer to Attend Post-Secondary School.

B.D. is a young adult who no longer felt challenged by the programs offered by the school district or his regional center. B.D. wanted to go to college as some of the young adults in his family had when they finished high school. B.D. found a post-secondary school program designed for people with developmental disabilities. His family needed assistance from the regional center in paying for the cost of

the program since there is no financial aid available for this type of schooling.

OCRA represented B.D. at an IPP meeting and successfully negotiated with the regional center to pay for part of the tuition for the post-secondary school. The regional center agreed to pay the amount which B.D. would receive in services such as a day program and transportation, if he were not in a post-secondary school program. B.D. is taking classes in radio broadcasting and enjoys living in the dorms with his friends. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

OCRA Assists with Placement in Special Day Class.

C.W. is in a severely handicapped third grade class. C.W.'s parents have been requesting retention since kindergarten, which the school district has refused. C.W.'s developmental level is two years behind her peers and she is one of the youngest children in the class due to a November birthday. C.W. also has significant O.T. needs which further prevent her from competing with her peers.

OCRA assisted C.W.'s parents with placement of C.W. in a special day class for second and third graders. The district agreed to make C.W. a second grader to review at a 45-day placement meeting. In this setting, it is hoped that C.W. will be able to compete with her peers, increase her self esteem, and have additional practice and time to increase her skills to be able to meet demands of higher grades in the future. Rita Defilippis, CRA, San Andreas Regional Center

District Continues Tucci ABA Services.

B.A. and A.Z. are two children within the same school district who were receiving ABA services at home. The school district decided that it was no longer going to provide ABA services at home and ended its contract with Tucci—the ABA provider.

OCRA attended an IEP meeting for B.A. The special education director did not want to continue the IEP meeting, stating that the

regional center should be responsible for continuing the services. OCRA demanded that the school district continue services as promised, presenting a signed contract for the 2007-2008 school year between Tucci and the district. The district agreed to continue the ABA services at home and included two weeks of compensatory hours. OCRA requested the same services be granted to A.Z. The school district agreed. Rita Defilippis, CRA, San Andreas Regional Center.

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