

## ADVOCACY REPORT

### OFFICE OF CLIENTS' RIGHTS ADVOCACY

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Winter 2012

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#### BENEFITS

##### IN HOME SUPPORT SERVICES

###### **R.J. Gets the Protective Supervision She Needs.**

R.J. had been receiving In-Home Supportive Services (IHSS) in the areas of personal care, domestic, and related services, but was not granted any protective supervision. R.J. meets the criteria for protective supervision as she has significant impairments in memory, orientation, and judgment. She uses few words and is not able to act in an emergency. She has always been supervised 24 hours per day.

OCRA agreed to represent R.J. at hearing. The County did not send the file to the appeals specialist and did not show up for the hearing. Therefore, the appeals specialist could not tell whether or not the County had ever assessed for protective supervision. OCRA presented evidence and testimony proving R.J.'s need for protective supervision. The administrative law judge (ALJ) ordered an assessment. OCRA attended the home assessment, after which R.J. was given protective supervision. Her provider will receive a retroactive award of over \$13,000. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

###### **IHSS Awarded after Being Denied.**

T.D. has autism, a seizure disorder, and other health issues. His mother applied for IHSS for him. The mother was told by the County that her child, who was three, was too young to receive IHSS. The written notice stated that there was no assessed need.

The mother requested assistance from OCRA in obtaining IHSS. At the hearing, the County indicated that the determination was based on the

child's age, age appropriate guidelines, observations at the home visits, and a review of other documents.

OCRA assisted the mother in preparing for the hearing and providing evidence that because of his disabilities, T.D. needed additional services that a 3-year old without disabilities does not need.

The ALJ ruled that because of the evidence submitted of additional needs related to his impairments, T.D. was entitled to time for laundry, bowel and bladder care, dressing, rubbing skin and repositioning and medical accompaniment. T.D. was awarded 68 hours a month of IHSS. Jackie Coleman, CRA, Ramona Landeros, Assistant CRA, Tim Poe, Supervising CRA, Alta California Regional Center.

### **K.M. Obtains Retroactive Payment for Protective Supervision.**

K.M. was found eligible to receive protective supervision through a settlement with the County. K.M.'s parent was informed by the IHSS social worker that the County would not pay retroactive protective supervision services that the County had wrongfully denied. OCRA assisted the parent in preparing for hearing and the parent was successful in obtaining a hearing decision awarding her 13 months of retroactive service hours. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

### **S.T. Recovers His IHSS Benefits.**

As a minor, S.T. received Supplemental Security Income (SSI), SSI-linked Medi-Cal, and IHSS. Due to a parental deeming error, S.T.'s SSI benefits were erroneously terminated in January, 2010, but subsequently reinstated with retroactive payments. The erroneous termination caused S.T. to lose his SSI-linked Medi-Cal and because the County did not comply with required procedures, S.T. lost his IHSS benefits on July 15, 2010. S.T.'s mother was deterred from appealing the termination as the County told her nothing could be done when Medi-Cal is lost.

When S.T.'s mother notified the County that S.T.'s SSI-linked Medi-Cal was reinstated, the County refused to reinstate his IHSS benefits. Instead, the County re-assessed S.T. and reduced his IHSS hours with no retroactive payments. S.T.'s mother requested a hearing and prevailed on regaining

S.T.'s 283 hours of IHSS, but did not prevail on the retroactive payments. S.T.'s mother did not agree with the decision and contacted OCRA for assistance. The Assistant CRA agreed to request a re-hearing, which was granted, and the CRA agreed to represent at the re-hearing. As a result, the judge deemed the County erred by failing to follow procedure when S.T. lost his SSI-linked Medi-Cal and ordered the County to pay retroactive payments back to July 15, 2010, at 283 hours per month. Veronica Cervantes, CRA, Beatriz Reyes, Assistant CRA, Katie Hornberger, Supervising CRA, Inland Regional Center.

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

H.S. has a history of traumatic brain injury. He resides in his own home with his sister-in-law, who serves as his full time IHSS provider. After an IHSS annual assessment, the County worker disagreed with H.S.'s need for protective supervision and reduced his IHSS hours from 270 to only 65.8 per month. Without protective supervision, H.S. was at risk for out-of-home placement.

OCRA provided technical assistance to H.S.'s mother, who filed the appeal. OCRA assisted in the review of all available records, advised on witness preparation and hearing procedures, and prepared the position statement. OCRA also provided resource information to the parent regarding protective supervision requirements.

One week prior to hearing, H.S.'s parent met with the IHSS worker to discuss information provided by OCRA. IHSS determined that H.S. was eligible for protective supervision and agreed to reinstate all of the protective supervision hours. Leinani Walter, CRA, Christine Hager, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

### **SOCIAL SECURITY**

#### **SSI Waives an Overpayment and Stops Monthly Deductions for In-Kind-Support.**

L.L. received notice of a \$5824 SSI overpayment which the Social Security Administration (SSA) claimed had occurred over a 15-month period during which it reportedly had not known that L.L. had also been receiving a Social

Security Survivor's benefit in the amount of \$384 per month.

OCRA's review of L.L.'s SSI notices revealed that it had been aware of the monthly Social Security Survivor's benefits, and had miscalculated the SSI payment amount. In addition, during this same time period, SSI had been mistakenly deducting \$225 per month from L.L.'s SSI checks for in-kind-support, in spite of the fact that L.L. had been paying her fair share of all monthly living expenses.

OCRA accompanied L.L. to an informal meeting with an SSA worker, and presented proof of SSI's miscalculations, together with a budget showing that any repayment amount would be a significant burden for L.L. As a result, L.L. was granted a waiver of the overpayment, and SSI stopped the deduction of in-kind-support from L.L.'s future SSI checks. Arthur Lipscomb, CRA, Celeste Palmer, Associate CRA, Andy Holcombe, Supervising CRA, Regional Center of the East Bay.

### **OCRA Assists in SSI Overpayment Case.**

S.C. is a minor who lives with his family. S.C.'s mother is also a regional center consumer. S.C.'s case worker contacted OCRA after the family received a letter from the SSA stating that S.C. had been overpaid nearly \$6,000 in SSI benefits. OCRA assisted S.C. in filing a Request for Waiver of Overpayment.

Within months, the SSA informed OCRA that the entire overpayment had been waived. However, a few weeks later, S.C. received another notice stating that he still owed close to \$1,000 to the SSA. OCRA communicated with the SSA on S.C.'s behalf and the remaining overpayment was waived. S.C. continues to remain eligible for SSI benefits. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

### **OCRA Helps J.M. Receive Correct Amount of SSI.**

J.M. has been legally blind since birth but when his mother reapplied for SSI for J.M., as required when he turned eighteen, SSI refused to change J.M.'s status to legally blind. As a consequence, J.M. was receiving less SSI income. For almost a year, J.M.'s mother attempted to obtain the change for J.M. Frustrated with the process, J.M.'s mother called OCRA.

OCRA advised J.M.'s mother to write a letter to the SSA and provide documentation in support of J.M.'s legally blind status. OCRA advised J.M.'s mother to deliver the letter in person and ask to speak with a supervisor. OCRA assisted J.M.'s mother with writing the letter to the SSA office and determining what documentation to take to SSI.

J.M.'s mother went to the SSA prepared with her letter and documentation. Once there, J.M.'s mother was able to speak with a supervisor who approved J.M.'s request. In addition, J.M. will be receiving the additional grant amount retroactively for a year of SSI payments. Mary Melendrez, CRA, Christine Armand, Associate CRA, Irma Wagster, Supervising CRA, South Central Los Angeles Regional Center.

### **Consumer Remains Eligible for SSI.**

C.W. is a minor who lives at home with her mother. C.W. has a history of medical and behavioral issues which made it difficult for C.W.'s mother to work outside the home. C.W.'s mother recently left her employment in order to become C.W.'s IHSS provider. OCRA was contacted after C.W. received a letter from the SSA stating that she was no longer eligible for SSI due to her mother's income.

OCRA filed an appeal with the SSA explaining that the mother's income from IHSS is not used in determining C.W.'s SSI eligibility. The SSA found that C.W. continues to be eligible for SSI. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, Gail Gresham, Supervising CRA, North Bay Regional Center.

### **SSA Agrees to Waive \$16,000 Overpayment.**

Years after completing her work at the school district, E.G. received notification that she had to repay the SSA \$16,355 due to her work history from 2007 through 2009. During this time period, E.G. was employed by the school district as a classroom aide and later, as a housekeeper.

E.G.'s representative payee failed to properly appeal the notification and eventually E.G. contacted OCRA for assistance. After talking with E.G. about her work history, it became clear that the work E.G. performed did not rise to the level of substantial gainful activity (SGA) because she received special conditions and support from other school staff to perform

her job. After agreeing to assist E.G., OCRA gathered declarations and other evidence to substantiate E.G.'s claim that she did not engage in SGA. OCRA set up an informal meeting with the SSA to assert that E.G. should not have to repay the money. After the meeting, the SSA agreed to waive the entire overpayment. The SSA found that E.G. and her children were also eligible for additional monthly SSA benefits. The issue of her continuing disability from 2007-2009 has been forwarded on to the SSA appeals office. Margaret Oppel, Interim CRA, Kendra McWright, CRA, Gina Gheno, Assistant CRA, Katherine Mottarella, Supervising CRA, Tri-Counties Regional Center.

### **Termination of SSI Reversed.**

C.L. is a minor who lives in a group home and spends his weekends with his family. His SSI money goes toward paying for his placement. C.L.'s mother opened a Payable On Death (POD) account and named C.L. as a beneficiary. Although C.L. has no access to that money, SSA sent a letter notifying the family that C.L.'s SSI benefits were going to be terminated due to the excessive amount of assets, noting that C.L. was a beneficiary on his mother's POD account. The SSA also demanded repayment of \$21,000 for benefits previously paid to C.L.

OCRA assisted with filing an appeal and submitted documents which establish that C.L. does not have access to the money so the money should not be considered an asset. The SSA terminated benefits even though the appeal was submitted in a timely manner.

In addition to advocating for the proper characterization of the asset, OCRA assisted with advocating for the proper processing of the appeal. After numerous communications between the SSA and OCRA, C.L.'s appeal was processed properly. The decision on the appeal was fully favorable. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

### **Decision Is Reversed and B.R.'s Benefits Reinstated.**

B.R. has been working at a grocery store for many years. He formerly received SSI but because he had worked for many years, he began to receive Social Security Disability Insurance (SSDI) on his own earnings record.

B.R.'s representative payee received a notice that B.R.'s disability had ended and that B.R. had incurred an overpayment of \$109,000 because B.R. was allegedly performing SGA work. The payee filed an appeal and then called OCRA. OCRA gave the payee the Work Activity Questionnaire (subsidy form) for B.R.'s employer to complete. According to B.R.'s supervisor, B.R. is not able to perform all of the duties on the job description for his position because of B.R.'s intellectual disability. B.R. only performs about 50 to 70 percent of the work of an employee without a disability in the same position.

B.R.'s payee provided this evidence of subsidy to supplement the appeal evidence. OCRA provided advice to the payee through the appeals process. The payee worked with the local SSA office to prove B.R. was not performing SGA work, was still eligible for benefits, and the overpayment should be cleared. SSA agreed and reinstated B.R.'s monthly benefit of \$995 as of the date the benefit was erroneously terminated, the Trial Work Period was recalculated, and the overpayment was cleared. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

## **DISCRIMINATION**

### **A.T.'s Termination from After-School Care Is Rescinded.**

A.T. was attending an after-school program at his elementary school. The program was federally-funded, so A.T. did not have to pay for the program. A.T. was terminated from the program for behaviors related to his autism. No accommodations were made by the program. However, the program did offer A.T. a spot in the program for younger children, which was not federally-funded, and for which his mother would need to pay. A.T. had been terminated because of his disability, and then was told he could come back if he paid, while his same age, non-disabled peers received a program for free.

OCRA reviewed federal law on child care programs and the Americans with Disabilities Act as it pertains to this type of program. OCRA sent a notification of disability and reasonable accommodation letter to the program. The executive director called A.T.'s mother and said A.T. could immediately re-enter the program. Katie Meyer, CRA, Luisa Delgadillo,

Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

## **HOUSING**

### **J.E.'s Family Is Able to Stay in Their Apartment.**

J.E. is a teenage boy with significant disabilities, including seizures which cause him to drop to the floor. J.E.'s family received a 60-day notice to move out of their apartment from the on-site manager. The downstairs apartment residents had complained about banging on the floor and noise. Even though the family agreed to put in area rugs, and had notified the manager about J.E.'s disabilities, it was given a notice to quit.

OCRA drafted a notification of disability and request for reasonable accommodation letter for the parents. J.E.'s parents signed the letter and sent it directly to the owner of the complex, since the manager had behaved inappropriately to them in the past. The owner contacted the family and apologized. He thanked them for sending the letter and rescinded the 60-day notice. He also made arrangements to put carpet in certain areas of the apartment. J.E. and his family will now be able to stay in their home. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

### **T.K. Released from Locked Adolescent Psychiatric Facility.**

T.K. is a 17-year-old man who wanted to leave the locked psychiatric facility he had been living in for more than one year, and be in a less restrictive community setting. T.K. had been moved to the facility in September, 2010, due to aggressive behaviors and elopement at his foster family placement. Within a few months of the move, T.K. had shown marked improvement and was considered ready for discharge to a less restrictive community placement. However, almost an entire year passed and no community placement was secured for him.

T.K.'s dependency court attorney contacted OCRA for assistance in getting the regional center to find a community placement for T.K. The CRA recommended that T.K.'s attorney file a joinder motion to bring all the parties (2 different regional centers, Department of Mental Health, and

Department of Children and Family Services) together in juvenile court to account for their efforts to secure a less restrictive placement for T.K. The CRA helped T.K.'s attorney compile the information needed for the joinder motion and worked with the regional centers to ensure that updated and accurate placement packets were distributed to possible community placements. Although the joinder motion was ultimately not granted, it did trigger a series of interdisciplinary meetings that brought together the various agencies involved. Within a few months, everyone came together and identified a foster care placement for T.K. along with mental health support services and community activities for him. T.K. is now living with a foster family near his biological family and was able to celebrate the holidays with them. Eva Casas-Sarmiento, CRA, Abbey Perez, Assistant CRA, Katie Hornberger, Supervising CRA, Harbor Regional Center.

### **OCRA Assists D.S. with Habitability Issues.**

D.S. lives in low-income housing. The County had recently hired a new management company to manage the complex in which D.S. lives. D.S. and his caregiver had been complaining for several months about a leaky toilet, a faulty heater, and several other issues. They had spoken with both the County and the management company. These issues had not been addressed. OCRA made several phone calls and sent a letter to both parties asking that these issues be addressed immediately. Within two weeks, all of the issues had been addressed satisfactorily. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Gail Gresham, Supervising CRA, Golden Gate Regional Center.

### **Security Deposit Returned.**

R.K. was living in an apartment with the assistance of Independent Living Services (ILS). He decided to move, and gave a written 30-day notice of his intention to do so. Although R.K.'s rent was paid in full to the end of the month, R.K. ended up moving out early. R.K. made arrangements to have his ILS provider do a post-move clean up before the end of the month, and return the keys to the landlord.

When the ILS provider arrived to do the clean up, the keys did not work. The landlord had already entered, taken possession, and changed the locks. The landlord failed to return R.K.'s security deposit. When asked

about it, the landlord indicated he was keeping it due to clean up needed and alleged damages due to needed repairs.

R. K. and his service coordinator contacted OCRA for assistance. R.K. had moved out of the community, and returning to litigate the dispute would have been quite difficult financially and physically. However, R.K. still wanted to take action. Moreover, many other regional center consumers live in the same apartment building, so the regional center felt a stand needed to be taken.

OCRA wrote a letter requesting the landlord return the deposit, or in the alternative, provide an itemized written accounting. The landlord did neither, but did offer a partial return of R.K.'s deposit of \$100 to resolve matters. R.K. rejected that offer, and a final letter was sent, outlining the various causes of action and potential liability on the part of the landlord. On the final date for a response, a full refund check was received. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Jackie Coleman, Supervising CRA, Far Northern Regional Center.

## **PERSONAL AUTONOMY**

### **Client Returns to His Job.**

M.A. was happy at his job and depended on the local paratransit company to drop him off and pick him up at work. M.A. contacted OCRA for help after his job of many years was terminated by his supported employment agency. OCRA agreed to represent M.A. at a meeting with the supported employment agency and the regional center.

After interviewing staff involved with M.A.'s regional center case and reviewing the records, OCRA determined that the local paratransit van was frequently late in picking M.A. up from his job site. The supported employment agency was not willing to pay for his job coach to continue waiting with M.A. after his shift ended everyday without additional funding from the regional center.

At the meeting with the regional center and the supported employment agency, OCRA negotiated to have the regional center provide additional

funds so a staff person could wait with M.A. after work until the paratransit van arrived. M.A. is now back working at his nursing home job. Timothy Poe, CRA, Jazmin Romero, Assistant CRA, Katherine Mottarella, Supervising CRA, Frank D. Lanterman Regional Center.

## **REGIONAL CENTER**

### **Mediation Worked in J.D.'s Favor.**

J.D. is a teenage boy whose respite was terminated without proper notice. J.D.'s mother did not appeal, although she did obtain an extension of respite from the regional center. When the respite extension ended, the mother did not realize she could still appeal. Around the same time, the family was dealing with several life-changing events, including plans to move to another regional center's catchment area and the death of the respite provider's son. J.D.'s mother requested respite again, but the regional center denied the request, claiming J.D. was not eligible for any respite because he had IHSS protective supervision and his mother was his provider.

OCRA agreed to represent J.D. at hearing. At the start of the hearing, the ALJ offered to conduct mediation. Both parties agreed to participate. After mediating for many hours, an agreement was reached. J.D. will receive 15 hours of respite for December, 2011, and 30 hours each quarter starting January, 2012. The regional center also agreed to increase J.D.'s behavioral services from 34 hours to 50 hours per month. Counseling was also extended through March, 2012. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

### **A.L. Keeps Her Supported Living Services Hours.**

A.L. is a 22-year-old who receives supported living services (SLS) to help her with mobility training, planning, community integration, learning about her health issues and medications, and budgeting. She is also preparing to move out of her parents' home. The regional center sent a notice reducing A.L.'s SLS from 32 hours per month to 16 hours per month because the 32 hours "were supposed to be temporary." A.L.'s parents helped her to appeal and contacted OCRA.

OCRA reviewed A.L.'s IPP's from the regional center and Individual Service Plans from the SLS agency. It was clear that A.L. had not met her goals in either plan, and had not begun working on goals in two major areas. OCRA prepared the family for hearing, drafted an opening statement, witness questions, a closing statement, and prepared evidence packets for the parents to represent A.L. at hearing.

The family presented the evidence as planned at the hearing. The ALJ found that the regional center did not meet its burden in proving the reduction was warranted and that A.L. still requires the 32 hours per month of SLS. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

**Extraordinary Event Exemption Applies.**

The regional center informed A.A. and her family that it would be reducing A.A.'s respite hours from 8 hours per day to 4 hours per day. Two of A.A.'s older sisters are receiving treatment for cancer. A.A.'s mother has to take each older sister on the bus to the hospital separately since A.A.'s mother does not drive. A.A. is facing a very difficult time with both of her sisters being ill and this has triggered behavioral issues for A.A.

OCRA assisted A.A.'s mother with filing the fair hearing request and immediately requested a copy of A.A.'s records from the regional center. The Assistant CRA attended the informal meeting and advocated for A.A. to keep 8 hours per day, 7 days a week of respite services based on the fact that the family met the extraordinary event exemption. The regional center agreed. These hours would continue while A.A. is on vacation and the hours would be changed to 6 hours per day, 7 days per week when A.A. is in school. Jackie Chiang Dai, CRA, Lucy Garcia, Assistant CRA, Irma Wagster, Supervising CRA, Eastern Los Angeles Regional Center.

**Emergency SLS Provided by the Regional Center.**

B.M. is a 66-year-old woman who was released from Intensive Rehabilitation after a third stroke this year. B.M. was released without a clear support plan to follow her discharge. B.M.'s niece and a family friend immediately began providing 24-hour care and support so that B.M. could remain living in her home. Although the regional center was aware of B.M.'s need for support services and that IHSS had not yet completed its

assessment, the regional center was not invited to the discharge planning meeting. As a result, the regional center did not have services and supports in place upon the client's release from the hospital.

OCRA advocated for the regional center to provide SLS services until the generic resource of IHSS could be provided. B.M. received all of the necessary hours from SLS so that she could remain in her home with her companion dog. Leinani Walters, CRA, Christine Hager, Assistant CRA, Gail Gresham, Supervising CRA, Valley Mountain Regional Center.

### **Social Skills Program Ordered to Continue.**

S.P. had been receiving services from a social skills training program and was making good progress towards his goals. The goals were extremely important as they were allowing S. P. to live in the community. S.P. was given a notice of proposed action to terminate the program because he had made significant progress and the service was time limited. S.P.'s father appealed the termination and requested technical assistance from OCRA.

The CRA prepared S.P.'s father for the fair hearing by reviewing the evidence packet, discussing the applicable law and helping with the preparation of witnesses.

The hearing was held over three separate dates. The hearing decision was in favor of S.P. and the order was for funding to continue for the social skills training program until S.P.'s goals have been met. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, Irma Wagster, Supervising CRA, San Gabriel/Pomona Regional Center.

### **OCRA Provides Technical Assistance to J.A. and Case Settles.**

J.A. is a 9-year-old who lives with his mother and sister. J.A.'s mother reported concerns regarding the quality of the vendor services including implementation delays, and limited progress for J.A. with regional center funded in-home behavior services since 2008.

In August, 2011, J.A.'s mother requested an IPP meeting. The regional center agreed to provide 14 hours per month of direct in-home behavior services. However, by December, 2011, the in-home behavior services had not begun. J.A.'s mother filed for fair hearing against the regional

center for the first time. She requested the implementation of the agreed upon 14-hours per month of in-home behavior and that J.A.'s school-funded ABA agency be contracted as provider.

OCRA agreed to assist the mother to prepare a fair hearing packet and helped J.A.'s mother understand her fair hearing rights. Prior to meeting with OCRA, J.A.'s mother received a notice of proposed resolution. The regional center agreed to implement 14 hours per month of in-home behavior supports for J.A. and to contract the service with the ABA provider requested by J.A.'s mother. Mary Melendrez, CRA, Christine Armand, Associate CRA, Irma Wagster, Supervising CRA, South Central Los Angeles Regional Center.

## **SPECIAL EDUCATION**

### **OCRA Facilitates S.B.'s Return to School.**

S.B. and his mother are adult consumers of regional center services. S.B. and his mother withdrew S.B. from his post secondary program because the relationship with the school staff had deteriorated due to attendance issues. OCRA was contacted because of concern that S.B. had been home for a year without any services. OCRA called a meeting with S.B., his mother, his service coordinator, and counselors to develop a plan to serve S.B. OCRA secured 1:1 in-home behavioral services from the regional center to assist S.B. and his mother in establishing morning routines for S.B. while getting on the bus and to school on time. It is believed this will work to ameliorate the attendance issues.

OCRA offered special education advocacy to assist S.B. to get back into a post secondary program. OCRA contacted the local education agency (LEA) and a placement was offered and accepted by S.B. and his mother. The LEA also agreed to provide a 1:1 aide to ride the bus with S.B. Rita Defilippis, CRA, Filomena Alomar, Assistant CRA, Katie Hornberger, Supervising CRA, San Andreas Regional Center.

### **Individualized Transition Plan Created by OCRA and School District.**

A.P. is a 20-year old who completed 4 years of high school and was offered a fifth year which he declined because he wanted to engage in more adult

activities. OCRA accompanied him to an individual Transition Planning (ITP) meeting. The only transition program offered and available in the area was a continuation of high school. At the ITP meeting, the district agreed to create an individual ITP which included work at a lunch deli (funded by the Workability program), membership in a fitness program where A.P. is accompanied by staff three days per week, classroom based academic instruction several hours a week at the local high school, and a Kindle to help with his reading goals. Margaret Oppel, CRA, Kay Spencer, Assistant CRA, Maricruz Magdaleno, Temporary Assistant CRA, Katherine Mottarella, Supervising CRA, Central Valley Regional Center.

### **S.M. Returns to School Despite “Graduating with a Diploma.”**

S.M. is a 19-year-old who was graduated from his non-public school without realizing it. S.M. had been told he would be walking with his class at graduation, but would then enter a transition program until he turned 22. In the fall, S.M. was told he could not attend school because he was given a diploma. The school failed to hold an Individual Education Plan (IEP) meeting in June, 2011, as the current IEP indicated was necessary. The school failed to hold an exit IEP as well. Therefore, the IEP still in effect was not being implemented, as S.M. was not attending any school program.

OCRA drafted a compliance complaint in order to describe the violations, and prior to sending it contacted the district and asked for an IEP meeting. The district agreed to meet. OCRA asked that everyone work to reach agreement to avoid the filing of the compliance complaint. At the meeting, the district agreed to place S.M. in a transition program individually tailored to his needs with counseling and transportation. A referral to Pathways UCLA for the next school year would also be made. The district also agreed to fund a video game design class at an occupational center as compensatory education. OCRA attended a follow-up IEP meeting. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Katie Hornberger, Supervising CRA, Westside Regional Center.

### **OCRA Helps Secure Appropriate Educational Setting for Student.**

D.C.’s mother called OCRA to request educational advocacy on behalf of D.C., her minor child. D.C.’s parent sought to stop the school district’s plan

to transfer D.C. to a different school. OCRA agreed to represent D.C. at the pending mediation and assisted D.C.'s mother in filing for a hearing.

OCRA contacted the school district and provided information that the existing school program was more appropriate than the new school in meeting D.C.'s education needs. As a result of OCRA's intervention, and prior to the mediation, the district agreed to keep D.C.'s existing school program as D.C.'s permanent education placement. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, Timothy Poe, Supervising CRA, North Los Angeles County Regional Center.

**Client's Special Education Eligibility Category Changed to Autism with Enhanced Services.**

C.B. is an 8-year old with autism who was listed by the school district as eligible for special education under Speech and Language and ADHD. C.B. was in a special day class but was not receiving services appropriate for a child with autism, and thus had a number of behaviors that were interfering with his education. OCRA reviewed the psycho-educational report and had several phone meetings with the school psychologist and classroom teacher. OCRA represented C.B. at an IEP meeting at which his primary disability was changed to autism. The district agreed to perform occupational therapy, speech and assistive technology assessments. The district also agreed to provide services from an autism specialist and to include social skills training as part of C.B.'s program. Margaret Oppel, CRA, Kay Spencer, Assistant CRA, Maricruz Magdaleno, Temporary Assistant CRA, Katherine Mottarella, Supervising CRA, Central Valley Regional Center.

**OCRA Assists in Obtaining Special Education Services.**

O.F. is a 10-year old with autism and severe behavior problems. The school district told his mother that it was unable to find a suitable placement for O.F. due to his behaviors and elopement issues. The district told her the only options were either home school or to put O.F. in a residential placement. Not liking either of these options, O.F.'s mother contacted OCRA.

After a review of the records, the Assistant CRA realized that although O.F. had a triennial IEP earlier in the year, no assessments were performed,

despite the fact that O.F. was barely verbal, and his behaviors were impeding his ability to learn. The school was not providing any speech or behavioral services.

The Assistant CRA attended the next IEP only to find that there was no teacher in attendance. The IEP was rescheduled to a time when the entire IEP team could be present. Due to the school district's prior resistive attitude, the Assistant CRA requested an IEP facilitator to help make the IEP meetings go more smoothly and also requested that a representative from the Special Education Local Plan Area (SELPA) attend. OCRA got the school to do assessments in speech, occupational therapy, assistive technology and a functional analysis assessment.

OCRA attended five IEP meetings on O.F.'s behalf which resulted in a classroom placement specifically set up for O.F. with a teacher, a behavioral aide and a second aide. The assessments resulted in O.F. receiving 30 minutes of speech therapy per week, occupational therapy, numerous assistive technology devices and a positive intervention behavior plan. O.F. is now able to benefit from his education. Andy Holcomb, CRA, Lorie Atamian, Assistant CRA, Jackie Coleman, Supervising CRA, Far Northern Regional Center.

### **OCRA Secures Placement and Services for Student Following Expulsion.**

J.B. is a student with autism and is nonverbal. J.B. was expelled from school for aggressive behavior. However, J.B.'s behavior plan was not being followed and he was excluded from community outings. The LEA informed J.B.'s parent that J.B. had to go to a new school because of his conduct. J.B. was at home for over a month and the district failed to facilitate a new placement. J.B.'s parent contacted OCRA.

The LEA offered a placement, and after visiting the placement, J.B. agreed to go. OCRA represented J.B. at his placement IEP meeting. The LEA agreed to conduct a functional analysis assessment and a speech assessment because J.B.'s behaviors appeared to be related to his inability to communicate. The LEA expedited the assessments and a meeting was held to review results. J.B. had zero behavior incidents with the use of assistive technology for communication. J.B. now receives speech services, participates in all community outings and continues to have no

behavior problems. Rita Defilippis, CRA, Filomena Alomar, Assistant CRA, Katie Hornberger, Supervising CRA, San Andreas Regional Center.

**A.A.'s Parents Are Able to Participate at IEP Meeting.**

A.A. has maladaptive behaviors and a behavior intervention plan at school to address his behaviors. After A.A. displayed a new behavior not addressed in A.A.'s behavior plan, the principal decided to change A.A.'s placement. The principal contacted A.A.'s parents and informed them that an IEP meeting would be held on a certain date. A.A.'s parents expressed their inability to drive the three hours it would take to attend the IEP on that date due to a health issue with A.A.'s sibling, and requested a new date or to participate by telephone. The principal denied the parents' request, and informed A.A.'s parents that the IEP would be held on the date selected even if the parents could not attend.

The CRA wrote a letter for the parents to submit to the principal requesting participation by phone as required under the California Education Code. After receiving the letter, the principal informed the parents that they would be able to participate in the IEP meeting by telephone. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Irma Wagster, Supervising CRA, Regional Center of Orange County.

**School District Agrees to Transition Program at Community College.**

T.P. had completed 4 years of high school. The school district only offered him a 5th year of high school as his transition program. OCRA attended T.P.'s IEP meeting with the school district but was unable to reach an agreement at the meeting. OCRA continued discussions with the school district attorney and negotiated a settlement agreement which included placement at the local community college and 25 hours per week of 1:1 supervision and assistance. Margaret Oppel, CRA, Kay Spencer, Assistant CRA, Maricruz Magdaleno, Temporary Assistant CRA, Katherine Mottarella, Supervising CRA, Central Valley Regional Center.

**A.B. Receives Necessary Support to Interact Appropriately at School.**

A.B.'s mother contacted OCRA after A.B. was allegedly involved in a sexual assault at his high school and was suspended. A.B.'s IEP team had held an IEP meeting to discuss the incident and treated the incident as a

manifestation of A.B.'s disability. Despite his need for close supervision and for help developing his social and communication skills so that he can interact appropriately with peers, the IEP team only made small adjustments to A.B.'s routine, added a few sessions of counseling services to his IEP, and told his mother that A.B. was already getting everything he needed. Also, A.B.'s mother, who is a monolingual-Spanish speaker, did not know that A.B.'s IEP document, which she had seen only in English, provided for just 30 minutes of speech therapy per year.

OCRA represented A.B. at a new IEP meeting and obtained the school district's agreement to provide supervision throughout A.B.'s day while also allowing him some independence. This included adding supervision during the highest risk part of A.B.'s day, when he is in a P.E. class with a 57:1 student-to-staff ratio and near the location where the incident happened. OCRA ensured that the district corrected A.B.'s IEP to provide 300 minutes per year of speech therapy, added consultation by the speech therapist with the classroom teacher, and added meetings between the speech therapist and A.B.'s mother so that she can reinforce speech skills at home. OCRA requested a new speech assessment to determine whether A.B. needs additional help in learning to initiate appropriate conversations. OCRA ensured that continued counseling services were written into the IEP and asked that A.B.'s counseling sessions be used to address how to interact appropriately with peers with whom he is interested. Megan Chambers, CRA, Alba Gomez, Assistant CRA, Jeanne Molineaux, Director, San Diego Regional Center.

## **OUTREACH and TRAINING**

### **Consumers Have a Great Time at Self-Advocacy Training.**

On December 29, 2011, OCRA provided a clients' rights self-advocacy Bingo training to people at Consumers' Work Center in Ukiah. Several factors produced a noteworthy training event. Two consumers immediately volunteered to assist OCRA with the training. During the game, consumers actively engaged in a meaningful dialogue with trainers and had many interesting questions. OCRA prizes were distributed to acknowledge the consumers' successes. Consumer surveys were completed after the training. The surveys were overwhelmingly positive. One consumer stated, "It was the best bingo game I ever played!" Jim Stoepler, CRA,

Redwood Coast Regional Center, Gail Gresham, Supervising CRA,  
Sacramento.