

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Winter 2010

BENEFITS

Multiple Categories of Benefits

OCRA Helps M.D. Access Public Benefits.

M.D. is a child with autism. She was found eligible for regional center services in 2008. M.D.'s mother contacted OCRA because M.D. was denied Medi-Cal, and then SSI and IHSS due to not having Medi-Cal.

OCRA agreed to review M. D.'s records and provide technical assistance in appealing all benefits. As a result of M.D.'s appeals, M.D. has been approved for Medi-Cal and SSI. However, M.D.'s denial of IHSS did not change, so OCRA contacted the County regarding the issue.

The County agreed to a conditional withdrawal and authorized an in-home assessment. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

In Home Supportive Services (IHSS)

Sucessful IHSS Hearing Due to Technical Assistance from OCRA.

C.M. is a child with autism. C.M.'s mother contacted OCRA to request information about more IHSS hours for her son. C.M. received 195 hours per month, but his mother thought C.M. needed more due to his significant behaviors. OCRA provided C.M.'s mother with Disability Rights California's IHSS self-assessment packet and explained the self-assessment to her. OCRA also provided her with

on-going technical assistance to help her prepare for C.M.'s IHSS hearing.

With OCRA's assistance, C.M.'s mother prepared an evidence packet, reviewed C.M.'s IHSS file and prepared witness questions for the IHSS worker. The ALJ determined that C.M. was severely impaired and entitled to 283 hours of IHSS per month. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Parents Wins Hearing to Obtains Protective Supervision for Child.

O.G. requires supervision and assistance with her self-care. O.G.'s mother is not able to work full-time because she must care for O.G. and her older brother, who also has autism. O.G. applied for IHSS and was denied. Her parents appealed, represented her, and agreed to allow the County to assess her needs again. She was again denied. OCRA prepared O.G.'s parents to represent her at hearing. OCRA helped the parents to gather evidence and form arguments based on O.G.'s needs and the law. At hearing, the County asked the Administrative Law Judge (ALJ) to dismiss the case because the parents did not appeal timely. The ALJ denied the request finding that because the notice of action was inadequate the timeline did not expire.

O.G.'s mother is monolingual Spanish-speaking, and asked for an interpreter, but the state did not provide an interpreter at the hearing. O.G.'s father speaks English and represented O.G. as best he could without O.G.'s mother's input. Despite this, O.G.'s parents received a favorable hearing decision that awarded protective supervision to O.G. who will now receive 195 hours per month of IHSS. She is also entitled to \$26,000 in retroactive benefits from the date of application for benefits. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

OCRA Assists J.J. to Obtain Additional IHSS Hours.

OCRA was initially contacted by J.J.'s mother, a monolingual-Spanish speaker, questioning the County's determination that her 16-year-old

son was ineligible for additional hours under the IHSS program. The County authorized J.J. a total of 53.6 hours per month of IHSS personal care services. However, no time was allocated by the County for related services.

OCRA agreed to represent J.J. in an effort to resolve this matter informally. The sole basis of the County's denial of personal care hours was that J.J. was a minor and therefore was not entitled to related services. Following unsuccessful attempts to resolve this issue with the County Representative, OCRA agreed to represent J.J. at hearing.

At hearing, OCRA maintained that J.J. was entitled to receive both personal care and related services. The ALJ agreed with OCRA's interpretation of the regulations and concluded that J.J. was entitled to an increase of 17.32 hours a week for related and personal care services. This resulted in an increase of 75 hours per month of IHSS retroactive to January 1, 2010. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

P.G. Obtains Protective Supervision.

P.G.'s mother appealed a denial of protective supervision by IHSS. The mother requested assistance from OCRA because P.G. was displaying dangerous behaviors such as eloping and generally showing poor judgment regarding his safety. OCRA represented P.G. at hearing, and the County was ordered to reassess P.G.'s need for protective supervision. The CRA and the regional center service coordinator attended the assessment to advocate for P.G. P.G. is now receiving the protective supervision that he requires in order to live safely at home. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

J.G. Awarded Additional Personal and Related Services.

J.G.'s mother appealed J.G.'s assessed amount of personal and related IHSS services because J.G.'s needs were greater than the social worker had documented. At the hearing, the County was ordered to conduct a reassessment. After reassessment, the County further reduced J.G.'s personal and related services. J.G.'s mother

kept a log of the actual time it took to meet J.G.'s needs, and requested assistance from OCRA. The CRA noted all of J.G.'s needs and the time for tasks in a brief, and represented J.G. at hearing. The ALJ found that J.G. required the additional 37.5 hours per month that were requested at hearing, and also granted 1.5 years of retro-active service hours. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

Medi-Cal

Appropriate Wheelchair Obtained.

M.S.'s mother had been struggling for over two years with a home health vendor to get an electric wheelchair that met M.S.'s needs. The vendor insisted on delivering an electric wheelchair that was not accessible for M.S. to use in her home. M.S.'s mother contacted OCRA for assistance. The CRA assisted M.S.'s mother in coordinating with the regional center occupational therapist for an assessment to determine the appropriate type of wheelchair that meets M.S.'s needs. The assessment determined that the wheelchair the vendor was trying to deliver was not appropriate. As a result, M.S. will have her accessible electric wheelchair delivered within the month. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

Social Security

J.A. Found Eligible for SSI.

J.A. is a 19-year-old consumer. He contacted OCRA through his case workers to request assistance in obtaining Supplemental Security Income (SSI). J.A. had been denied SSI by the Social Security Administration (SSA) on the basis that he was not disabled.

OCRA agreed to represent J.O. at hearing and obtained documentation and support about his disability from a number of different sources. J.A.'s Independent Living Skills (ILS) workers, regional center case files, IPP's, and treating physicians all provided valuable information.

At hearing, OCRA argued that J.A. met the severity standard for SSI's listings for a number of different categories including autism, affective disorder, and mental retardation. OCRA maintained that SSI's evaluations were not adequate.

At hearing, the ALJ found OCRA's documentation and arguments to be persuasive. In a fully favorable decision, the ALJ found J.A. eligible for SSI, which will enable him to live independently in the community. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Maricruz Magaleno, Temporary Assistant CRA, Central Valley Regional Center.

ALJ Finds Consumer Eligible for SSI and Awards \$16,000 in Retroactive Payments.

K.G.'s mother contacted OCRA requesting assistance with a denial of SSI eligibility. K.G. is a 21-year-old who receives regional center services. OCRA agreed to represent K.G. at an SSI hearing. It was determined that K.G. met the listing for mental retardation and should have been found eligible for SSI previously. As a result of the failure of SSI to find him eligible, the ALJ found that K.G. was entitled to a retroactive payment to the date he initially applied for benefits. The ALJ awarded over \$16,000 in retroactive benefits. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Maricruz Magaleno, Temporary Assistant CRA, Central Valley Regional Center.

Twins Continue to Be Eligible for SSI.

A.S. and M.S. are 14-year old twin boys with autism. Their grandmother called OCRA for assistance after having received a notice of action from the SSA stating that the twins no longer qualified for SSI due to not meeting the resource limit. Although an appeal was submitted within the timeframe to receive aid paid pending, the SSA stopped its payments. After reviewing records, the Assistant CRA (ACRA) discovered that the income used to determine the twins' ineligibility was exempt income and should not have been counted towards a resource. OCRA had many discussions with the SSA staff about exempt income and resource limits. In the end, the SSA agreed that it had made an error, reinstated the twins' monthly benefits, including several months of retroactive payments, and

rescinded the overpayments which had resulted from the mistake. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

CONSUMER FINANCE

OCRA Intervention Prevents Prosecution for Overdraft.

D.W. is a young man whose neighborhood friends encouraged D.W. to write checks. There were insufficient funds in D.W.'s bank account to cover the checks. The bank was attempting to collect the money from D.W. and was planning to contact the police.

OCRA worked with D.W. and assisted him with his own police report. Following OCRA intervention, the bank decided that D.W. was himself a victim of crime and did not press charges. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

CRIMINAL LAW

All Counts of SARB Infraction Charges Are Dismissed.

M.K. and B.K. are husband and wife. They are both consumers of the regional center. M.K. and B.K. have an adolescent daughter. The daughter had multiple unexcused absences from school.

M.K. and B.K.'s service coordinators contacted OCRA seeking assistance for M.K. and B.K. They were in the midst of School Advisory Review Board (SARB) proceedings. Large fines were being imposed as a result of their daughter's alleged truancy. The parents were found guilty of infractions on six counts of truancy and sentenced with informal probation on the condition that they attend parenting classes and that their daughter returns to class. M.K. and B.K. failed to fulfill the conditions for probation as they did not have transportation and faced other challenges. Further, E.K., failed to attend school as directed. As a result, M.K. and B.K. were brought back to court.

OCRA received the referral a week before the hearing was to be held. OCRA attended the Juvenile Court proceedings and successfully requested a continuance in order to secure legal representation for the parents. OCRA agreed to attend an IPP meeting for both M.K. and B. K.

OCRA secured private special education counsel. The private attorney agreed to take the case on a pro bono basis. Another SARB hearing was held on August 30, 2010. The case against the consumer parents was dismissed and all charges against M.K. and B.K. were dropped. All fines that had been imposed were waived. In addition to assisting M.K. and B. K., the private attorney secured special education services for their daughter. Kendra McWright, Interim CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

HOUSING

Client Able to Maintain Housing Voucher.

H.P. lived in a public housing complex for years. He was doing very well living independently but then began to express his sexuality in the public areas of the housing complex. H.P. contacted OCRA because he was afraid he would be evicted from his apartment and become homeless.

OCRA advocated for H.P. to receive additional support services. OCRA attended a meeting with the management company regarding H.P.'s status at the housing complex. The management company agreed not to formally evict H.P. since his Section 8 housing voucher might be in jeopardy with the eviction. Instead, H.P. agreed to look for different housing which would offer him more personal privacy. H.P. also wanted to continue counseling services.

H.P. was very relieved to know he would have time to move and that he would not be at risk of being homeless. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

OCRA Successfully Advocates for Restoration of Section 8 Voucher.

C.P. lived with her husband in Section 8 housing. C.P. had been “hoarding.” Her husband did not believe that they would pass an inspection by the housing authority. He moved them out of their apartment and they became homeless.

The housing authority was unwilling to reinstate C.P.’s Section 8 voucher. OCRA met with the housing authority and explained the nature of C.P.’s disability and the need for subsidized housing. The housing authority agreed to reinstate the Section 8 voucher. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

Z.D. Stays in Her Home of Choice.

Z.D. visited numerous apartments, group homes, and facilities before finally settling in her own room in an assisted living facility. All of her care needs are met and she is close to her community college and public transportation. The facility recently changed ownership, and the new owners felt that Z.D. did not fit in socially since most of the residents were elderly. Z.D. prefers to live with older people, and was devastated to be served an eviction notice. The notice said the facility could no longer meet her needs.

OCRA researched the regulations that govern residential care facilities for the elderly (RCFEs) and eviction requirements. The facility did not comply with the requirements because it did not state with specificity the reason for eviction. OCRA sent a request letter asking the facility to reconsider its decision. The facility chose to revise its notice. However, the notice was still defective because to be evicted, Z.D.’s needs would have had to change. OCRA attempted to negotiate with the executive director, who could not change the decision of the new owners.

OCRA hired a nurse to evaluate Z.D.’s needs and her ability to perform certain activities of daily living. The nurse found that Z.D.’s needs had not changed since she moved into the facility, and also that she could eat on her own, though the facility had alleged differently. OCRA also asked for Z.D.’s treating physician’s opinion. He said that her needs had not changed and she could eat on her own. OCRA then partnered with an attorney from Bet Tzedek Legal Services and drafted a complaint to the California Department of

Social Services, Community Care Licensing (CCL) Division alleging wrongful eviction. The first CCL investigation report appeared favorable but stated, "inconclusive." OCRA and Bet Tzedek asked for a review. CCL sent its own nurse to evaluate Z.D. The nurse found that Z.D.'s needs had not changed. Because of this, CCL found no grounds for eviction and issued a new report which substantiated the complaint of wrongful eviction. The facility rescinded its eviction notice and Z.D. is now able to stay in her home. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center, Jody Speigel, Attorney, Bet Tzedek Legal Services.

Client Is Released from Psychiatric Facility in Time for the Holidays.

A.B. is a 34-year old consumer who is dually-diagnosed and was living in a group home. A.B. had previously spent several years living in developmental centers because of behavior problems. A.B. began displaying self-injurious behavior and was placed on a 72-hour involuntary psychiatric hold. A.B.'s mother contacted OCRA requesting assistance in getting C.J. out of the psychiatric facility because A.B.'s 3-day hold had been extended and his depression appeared to be getting worse.

The CRA visited A.B. at the psychiatric facility and spoke with facility administrators regarding what barriers to discharge existed to prevent A.B. from returning to his group home. The CRA then arranged for a discharge-planning meeting to take place with facility, group home, and regional center staff, and A.B.'s mother.

Unfortunately, the CRA discovered that the facility had a policy of not allowing patients to be present at their own treatment team meetings because the facility did not have any appropriate meeting rooms within the locked section of the facility. After a review of records, the CRA also found questionable practices regarding informed consent procedures.

The CRA advocated for A.B. to be present and an active participant at his discharge planning meeting. He was allowed outside the boundaries of the locked units to take part in his meeting. A.B. was able to express his fears and concerns regarding his stay at the

facility and to listen to what his treatment team expected from him in order to meet discharge criteria. His mother was also able to address various concerns she had regarding conditions at the unit. His doctors agreed to adjust his medication and his discharge behavior goals. The regional center agreed to hold his group home placement for an additional month and the group home operator agreed to accept A.B. back upon discharge. A.B. was able to be discharged back to his group home in time for the end of year celebrations. Eva Casas-Sarmiento, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

PERSONAL AUTONOMY

Consumer Decides How to Spend Small Inheritance.

B.M. lives with his brother and receives Supported Living Services (SLS). The SLS agency contacted OCRA because B.M.'s father had recently died. The person managing his finances was going to give B.M.'s brother all of the money in the father's checking account. The SLS agency was concerned that B.M.'s brother would spend the money and that B.M. would not receive his share of the small inheritance.

OCRA met with B.M. After discussing the situation with him, OCRA advocated for B.M. B.M. knew what he wanted to do with his share. It was agreed that B.M. receive a check representing his share of the inheritance. The amount was not large enough to impact B.M.'s benefits. B.M. went shopping. His SLS worker agreed to go shopping with him so that B.M. could purchase what he wanted with his share of his father's inheritance. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

Petition to Terminate Conservatorship Granted.

In conjunction with the Public Defender's Office, OCRA assisted K.O. in terminating her conservatorship. A.B. is a 60-year-old woman living with her husband and daughter. A.B. had been conserved since 2002.

A.B. was removed from her family home when she was conserved in 2002, and has lived in a variety of group homes. Her goal was always to live again with her family. A.B. has attempted to terminate her conservatorship multiple times since its inception in 2002.

This time, A.B. was allowed to return to her family home with supports for a trial period while her conservatorship was being challenged. OCRA attended the hearings needed to terminate the conservatorship. Technical assistance was provided to the public defender. Multiple witnesses testified during the course of the hearing.

The Court found that while A.B.'s lifestyle and manner of living was different than what may be typical, this did not demonstrate an inability to meet her own needs. The conservatorship was terminated. A.B. is now living with her family and free of conservatorship. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Maricruz Magaleno, Temporary Assistant CRA, Central Valley Regional Center.

G.L. Is Connected with Her Public Defender.

G.L. did not want her parents to obtain conservatorship of her, and was very upset because she did not have someone representing her at all the court hearings that she attended with her parents. Prior to attending the hearings, G.L.'s parents would tell G.L. what to say to the judge. G.L. did not want to tell the judge that she wanted her parents to be her conservator, but she was afraid not to do as her parents suggested. G.L.'s service coordinator requested legal assistance from OCRA for G.L., so that she could tell the judge that she did not want to be conserved. G.L. was never informed that she had a right to a public defender or that she had been assigned one. OCRA was able to contact the Public Defender's Office to locate and connect G.L. with her public defender. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

REGIONAL CENTER

DDS Approves Transfer and Community Placement Following 4731 Appeal.

T.C. moved from a developmental center in southern California to Sonoma Developmental Center (SDC) in northern California. He wanted to live closer to his sister. Although T.C. had moved years prior, his services never transferred from the regional center in southern California to the regional center in northern California. After living at SDC for years, T.C. decided that he wanted to move into the local community. When T.C. made this request at his IPP meeting, he was told that his regional center services would need to transfer directly to the regional center in the north. T.C.'s sister then requested that T.C.'s regional center services be transferred. The request was denied.

T.C. filed a 4731 complaint regarding the denial of his request to transfer regional centers. The regional center in the north refused to grant the CRA's proposed resolution which was for the new regional center to accept the transfer. OCRA helped T.C. file an appeal of the denial with the Department of Developmental Services (DDS). After discussions with DDS, it was determined that SDC should move into the community. T.C. is currently setting up the support services he needs to live near his family. He plans on moving out of SDC in the next few months. Yulahlia Hernandez, CRA, Annie Breuer, Assistant CRA, North Bay Regional Center.

H.M. Determined Eligible for Regional Center Services.

H.M. is a 16-year-old girl who was previously denied regional center eligibility. The regional center based the denial on H.M. having a learning disorder. OCRA met with H.M. and reviewed H.M.'s school and medical records. Following a review of the records, OCRA obtained a psychological evaluation of H.M. by an expert that concluded that H.M. had a diagnosis of autism. OCRA agreed to represent H.M. at a regional center eligibility hearing. OCRA then wrote a letter to the regional center explaining how H.M. met the eligibility requirements for regional center services based on autism and the "fifth category." The regional center reviewed the letter and

the psychological report and determined that H.M. was eligible for regional center services. Timothy Poe, CRA, Abigail Perez, Assistant CRA, Kendra McWright, Interim CRA, Harbor Regional Center.

Prone Restraints Removed from Behavioral Plan and Change In Regional Center Policy.

T.T. is a 23-year-old with autism and a history of self injurious behaviors. Prior to OCRA being contacted by T.T.'s parents/conservators on T.T.'s behalf, he had gone through three SLS providers and several day programs.

T.T. was receiving SLS services from the last available local provider at the time OCRA was contacted. T.T. was the only resident in a rented house due to his behaviors, and he had a 2:1 staffing ratio. If that placement did not succeed, the only apparent alternative was an out-of-town placement.

T.T.'s parents were greatly concerned about his behavioral plan that called for prone restraints. The parents felt the plan did not explore alternative, less intrusive means of addressing behavioral problems. Of additional concern was that T.T. suffered from pulmonary problems, thus placing him particularly at risk in prone restraints. There was also concern regarding several occasions of repeated and extended use of prone restraints over the course of a day.

The CRA intervened by communicating with the regional center regarding prone restraints. The CRA also went to T.T.'s SLS home and met with his staff and the behavioralist to discuss the concerns and alternatives

With the help of OCRA's intervention, T.T. got a new behavioral plan without the use of restraints. The new plan utilizes positive reinforcements and non-intrusive means to stop or change injurious behaviors. T.T.'s self injurious behaviors have been significantly reduced and the placement has become a success. In addition, the regional center has put restrictions on the use of physical restraints on all its SLS providers, pending a complete review and analysis of

the appropriateness and safety of such restraint protocols. Andy Holcombe, CRA, Far Northern Regional Center.

Respite for Two Sisters in the Foster Care System.

M.O. and S.O. received separate notices of intended action reducing their respite hours from 25 hours per month to 10 hours per month each. Their foster mother, who was in the process of filing a guardianship petition for both sisters, immediately filed for a fair hearing on behalf of the sisters. The regional center informed the foster mother she had no legal standing to file the appeal because her guardianship petition had not been approved by the court.

The foster mother contacted OCRA asking for assistance in this matter. OCRA called the public defender who had been assigned to represent both girls at the guardianship hearing. The public defender agreed to appeal the regional center's decision in time to request aid paid pending to continue current services until the matter could be heard by an ALJ.

OCRA attended an informal meeting with the regional center to help resolve the matter. OCRA used the regional center's matrix to calculate the appropriate number of hours each girl was eligible to receive. The regional center agreed to settle the matter by continuing to provide 20 hours of respite per month for M.O. and 25 hours per month for S.O. Mario Espinoza, CRA, Kern Regional Center.

E.M Is Able to Take Her Daughter into the Community.

E.M. has a disability that prevents her from utilizing public transportation so her supported living provider transports E.M. E.M.'s provider was told by the regional center that staff was not permitted to transport E.M.'s child anywhere even though the provider was willing to transport E.M.'s child when it transported E.M. E.M. was concerned because she was not able to go to the grocery store, doctor's appointments, or almost anywhere in the community without having to pay a taxi or a babysitter. E.M. wanted to be able to bring her child anywhere she went, just as other parents do.

E.M. appealed the denial of transportation and requested assistance from OCRA. The CRA attended pre-hearing meetings, an Informal Meeting and Mediation to assist E.M. with obtaining appropriate transportation. With OCRA's assistance, E.M. was able to successfully negotiate transportation for her child when E.M. goes into the community. E.M. was also able to increase SLS hours. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

SPECIAL EDUCATION

School District Agrees to Provide Occupational Therapy.

S.R., an elementary school student who needs occupational therapy (OT), was denied it by her school district, even though an evaluation by S.R.'s medical doctor stated that she needed the therapy. When S.R.'s mother requested an independent OT evaluation by the district, it refused. OCRA assisted S.R. by filing a Compliance Complaint with the California Department of Education (CDE). The complaint was upheld. When the school district filed for a due process hearing, OCRA, represented S.R. at mediation, where the school district agreed to provide S.R. with 30 minutes per week of individual OT, in addition to group therapy. Celeste Palmer, Associate CRA, Regional Center of the East Bay.

OCRA Obtains Busing for Special Education Students Who Live in an Apartment.

M.J. is 5-years-old and lives with his family. He is very medically fragile, cognitively impaired and uses a wheel chair. For the last few years, the school transported M.J. from the door of his apartment to school. Last summer, the school informed the family that it was the district policy to NOT transport children within an apartment complex and that M.J. never should have been transported to his door.

M.J.'s family asked OCRA for assistance in getting M.J. bused to his door as M.J. can become very ill when he is outside in the elements, plus he is not able to get himself to the school bus stop outside of his apartment complex.

Because the family obtained documentation from the school that it was school district policy not to transport special education students to their door if they live in an apartment, OCRA filed a Compliance Complaint on behalf of all students in special education who live in an apartment building.

The CDE contacted 35 families in the school district and verified that students were delivered to their door if they lived in a house, but not if they lived in an apartment.

The school district was ordered to hold Individual Education Plan (IEP) meetings by the end of January, 2011, for all special education students who live in an apartment and to provide verification to CDE that families have been informed of their right to have door-to-door transportation if the student needs it and that all students who need the transportation are receiving it.

With just one client, OCRA was able to make a difference for all special education students in the district who live in an apartment, including M.J. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

OCRA Helps Mother to Advocate for Health Aid at School.

E.P. is a 6-year-old student who is fully included in the first grade. Her mother contacted OCRA to request assistance in advocating for 1:1 health assistant services at school because E.P. was scheduled to have orthopedic surgery which would require the temporary use of a wheelchair and walker. E.P.'s mother requested an IEP meeting to discuss the supports E.P. would need when she returned to school after her surgery. OCRA advised E.P.'s mother of her daughter's right to health care services at school along with E.P.'s right to return to school after her surgery. At the IEP meeting, E.P.'s mother strongly advocated for the supports E.P. would need in the school setting following her surgery. The school nurse, however, told E.P.'s mother that E.P. could not return to school until she was fully recovered even though E.P.'s surgeon said that she could return to school one week after her surgery. OCRA offered to write a letter to the school district. In the meantime, the school nurse reversed her

decision calling E.P.'s mother to arrange a meeting with the school occupational therapist so a plan could be developed for a 1:1 health aide for E.P. at school along with any special accommodations necessary. E.P. had her surgery in November and subsequently returned to school with a 1:1 health aide support. Kathy Mottarella CRA, Gina Gheno Assistant CRA, Tri-Counties Regional Center.

Placement in School Program Due Process Continues.

R.G. is a child who is dually diagnosed. She was placed at Fred Finch Youth Center (FFYC) in 2008 to access necessary mental health services. R.G.'s parents were forced to place her at FFYC by Child Welfare Services due to the child's aggressive behaviors. None of the agencies involved would pay the residential portion of the placement, although R.G. had AB 3632 mental health services and was receiving full scope Medi-Cal.

OCRA represented R.G. at an administrative hearing against the County Mental Health, the Adoption Assistance Program and the Department of Social Services. The ALJ determined that the County should have funded R.G.'s residential portion at FFYC. The ALJ ordered that the County reimburse R.G.'s parents for their out of pocket expenses. FFYC would not submit a treatment authorization request (TAR) in order for Medi-Cal to process the reimbursement, so R.G.'s parents ultimately received nothing from the County.

Since R.G. was also receiving AB 3632, OCRA then filed for due process against the school district and County Mental Health for failure to properly assess R.G. and failure to provide appropriate related services. At mediation, the school district and R.G.'s parents agreed to a settlement for partial payment. Because County Mental Health refused to attend mediation, the due process will continue against it. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Student Able to Communicate as a Result of OCRA's Advocacy.

J.L. is 14 years old. English is her second language. Due to problems stemming from a cleft palate, and moderate hearing loss, J.L.'s speech is difficult to understand. For that reason, her school

provided a speech device four years ago. At each subsequent IEP, the school noted that J.L. was not using her speech device; that her lack of spelling skills made it difficult for her to use the device; that she found the device too limiting as she was unable to express much of what she wanted to communicate.

J.L.'s IEP's over the past three years showed a lack of progress since she had the same annual goals each year. The school acknowledged that J.L. was unable to use her speech device to communicate, yet it did nothing to remedy the situation.

Several months prior to OCRA becoming involved, a triennial IEP was held. The school lead J.L.'s mother to believe that there was no need to do any assessments, as it was clear that J.L. still qualified for special education services. J.L.'s mother agreed to not have triennial assessments performed.

J.L.'s regional center service coordinator contacted OCRA for assistance at J.L.'s IEP meetings. The ACRA attended several IEP meetings, one of which ended abruptly when the school refused to acknowledge OCRA as the advocate for J.L. The ACRA requested that a facilitator be present at each subsequent IEP meeting. With a facilitator present, the IEP meetings became more productive. OCRA was able to get the school to do the triennial assessments along with an independent communication assessment.

At the next IEP, the school contended that J.L. was successfully using a "Fusion" device to communicate. When OCRA asked that J.L. do a demonstration of her command of the Fusion device, it became clear that the only thing she was learning from the device was how to type. The ACRA successfully advocated for an independent speech therapist to work with J.L. and her family in programming a more appropriate speech device that would give J.L. the ability to communicate with others.

The ACRA spoke with J.L.'s mother a month after the IEP was held. Her mother reported that J.L. is now using her speech device on a daily basis to communicate with others. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

A.L. Returns to Her Original Placement.

A.L., a student with an intellectual disability, was suspended and the school district refused to allow her back into her original school. A.L. did not want to change schools. Further, the district had found that the behavior for which she was suspended was directly related to her disability.

A.L. contacted OCRA for help in maintaining her current placement. OCRA met with the parent, student, and the school administrator. OCRA explained the laws regarding least restrictive environment, behavior assessments, and appropriate related services. A.L. was immediately returned to her original placement. A behavior assessment was conducted and a positive behavior plan was developed. A.L. is now receiving conflict management counseling services as part of her behavior plan. The district also agreed to compensate A.L. for the lost instructional time for the days it refused to allow her to attend the original placement. Rita Defilippis, CRA, San Andreas Regional Center.

District Agrees to Develop a Behavior Plan to Assist Student with a Hearing Impairment.

B.N. is a 10-year-old special education student with a significant hearing impairment. He has not made meaningful progress on IEP goals for two years. B.N.'s parents contacted OCRA to advocate for appropriate educational services at an IEP meeting. OCRA soon discovered that for two years B.N. had refused to wear his hearing aids at school. The district had not addressed the problem, claiming that it did not have anyone to provide this service. As a result, the hearing aids were not used at school for two years and B.N. was unable to fully participate and make progress on his goals. At the meeting, the district agreed to provide a hearing specialist and a behavior specialist to assess the problem and develop a behavior plan and IEP goals to increase B.N.'s tolerance of the hearing aids. Rita Defilippis, CRA, San Andreas Regional Center.

S.Y. Starts the School Year.

S.Y. has significant disabilities that require that she have a 1:1 aide on the bus. She lives almost an hour one-way, over mountainous roads, from her school. The school district had attempted to fill the aide position but could not find anyone willing to take the job. OCRA became involved and discovered that the school was advertising the position as a 2-hour per day shift, split between 8:00 to 9:00 a.m. and 3:00 to 4:00 p.m.

In November, OCRA began working with the school district to get S.Y. into school. CRA convinced the school district to make the position more desirable by doubling the shift, from 2 to 4 hours per day. A bus aide was promptly hired. S.Y. finally started school and will receive compensatory education to make up for the time she was out of school. Jim Stoepler, CRA, Redwood Coast Regional Center.

G.C. Obtains Special Circumstance Instructional Assistant.

G.C. is a 9-year-old with an intellectual disability and SCAD, a metabolic disorder. Due to G.C.'s complicated medical needs, his parents requested that an assistant be assigned to their son at school. Originally, the district refused to assign an assistant to G.C. After several incidents involving G.C. getting hurt at school, the parents contacted OCRA for assistance with advocating for an assistant to remain with G.C. during his entire school day.

OCRA requested a copy of G.C.'s educational records and advised the parents on requesting an assessment. The district conducted a Special Circumstance Instructional Assistant (SCIA) assessment and provided a temporary instructional assistant for G.C. The school district was planning on presenting the SCIA assessment at the next IEP meeting. OCRA advised G.C.'s parents that they had a right to request a copy of any assessments that were to be presented at an IEP meeting in advance of the meeting. G.C.'s parents requested that the meeting be rescheduled and asked for a copy of the assessment. G.C.'s parents and OCRA reviewed the assessment. At the IEP meeting, the school district offered the SCIA to continue for G.C. for the entire school day until the next annual review. Jackie

S. Chiang, CRA, Jazmin Romero, Assistant CRA, Lanterman Regional Center.

OUTREACH AND TRAINING

OCRA Provides Educational Outreach and Follow-Up.

Advocates for consumers at GGRC conducted numerous outreach trainings throughout the counties of San Mateo, San Francisco, and Marin during 2010. The topic areas varied depending on the needs of consumers and families. Participants repeatedly reported that they found the training events to be valuable.

Recently, OCRA presented a topic at a Matrix Center. Matrix is a parent network and resource center for families. At the training, OCRA explained about its services and facilitated a discussion about regional center services. The families felt comfortable asking questions. They gained a deeper understanding about OCRA. The discussion about regional center services was very informative. The participants learned about the IPP process, the intake process, ILS, and more. The participants appreciated that OCRA came to the location. A few days after the training, OCRA received three intake calls as a result of the training. Katy Lusson, CRA, Trina Saldana, Assistant CRA, Golden Gate Regional Center.

Training to Latino Family Support Group on Social Security Benefits Educates Consumers and Family Members.

OCRA contacted the leader of “Unidad y Fuerza,” a Latino family support group for children with special needs (including children with developmental disabilities), to ask if the support group would be interested in a training by OCRA. The support group leader identified social security disability benefits as one area in which families had many questions. OCRA agreed to provide a training on social security benefits and how to appeal denials and overpayment notices. The CRA and ACRA worked together to develop training materials, and the ACRA translated all the materials into Spanish and provided Spanish interpretation at the training. Over twenty persons attended the training. OCRA received subsequent calls from members of the support group in which OCRA provided individual assistance on

social security issues, as well as other benefits and regional center matters. Timothy Poe, CRA, Abigail Perez, Assistant CRA, Harbor Regional Center.