

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Winter 2009

BENEFITS

ALJ Rules That Recovery of Overpayment Would Defeat Purpose of Social Security Act.

D.P. has Down's syndrome. Her wages were not reported to the Social Security Administration (SSA) due to an oversight on the part of her Independent Living Skills (ILS) agency. D.P.'s parents and ILS worker had tried for several years to work with SSA on this issue but had been unsuccessful. OCRA assisted D.P. in filing a waiver request and a request for reconsideration. Both were denied on the basis that D.P. was "at fault" in regard to the overpayment.

OCRA represented D.P. at her administrative hearing. The Administrative Law Judge (ALJ) found that D.P. was not at fault and that recovery of the overpayment would defeat the purpose of the Social Security Act. Katy Lusson, CRA, Amanda St. James, Assistant CRC, Golden Gate Regional Center.

Working Man becomes Eligible for Zero-Share-of-Cost Medi-Cal.

K.J. is an adult who works and who was receiving Supplemental Security Income (SSI) benefits. The SSA found that J.K. was eligible for Social Security Disability Insurance (SSDI) at a higher monthly benefit amount than his SSI. He began receiving SSDI and no longer received SSI. Under the *Craig v. Bonta* procedures, the county Medi-Cal office should have changed K.J. into the most favorable Medi-Cal program for which he was eligible. Instead, the county found him "medically needy" with a high share of cost. This meant his Medicare Part B premiums would no longer be paid by the state, since his Medi-Cal share of cost (SOC) was more than \$500.

OCRA determined that K.J. had been eligible for the 250% Working Disabled program from the time he lost his SSI-linked Medi-Cal.

OCRA called the Medi-Cal worker and sent a letter, and when that did not change K.J.'s status, OCRA filed for hearing.

OCRA negotiated with the county appeals specialist and entered into a conditional withdrawal. The county agreed to assess K.J.'s eligibility for the 250% Working Disabled program retroactive to the month he lost his zero-share-of cost Medi-Cal.

K.J. was made eligible for the 250% working disabled program retroactive to the first month he had a share of cost. K.J. now has no share of cost and the state will pay his Medicare Part B premium. The state also sent K.J. a check for the reimbursement of the Medicare Part B premiums that he had already paid. Katie Meyer, CRA, Westside Regional Center.

Two Brothers Receive Needed Protective Supervision.

I.E. and O.E. are brothers who are ages 13 and 8, and who each have autism and mental retardation. Both boys have 1:1 aides at school for safety reasons and have very limited ability to understand the harm that could come to them.

In 2008, I.E. and O.E.'s mother learned about protective supervision through the In-Home Supportive Services (IHSS) program. She applied for protective supervision for both boys but it was denied, and each boy was only granted 16 hours per month in personal care services. The mother filed an appeal, and OCRA represented the boys at a home reassessment. OCRA prepared a packet of medical, psychological, and educational evidence about the need for protective supervision, along with an opinion letter. The county still found the boys had no need for protective supervision. OCRA requested reinstatement of the hearing.

At the hearing, the county argued that the boys were "self-directing," and simply had behavior problems. Protective supervision is not available for behavior problems. The evidence that OCRA presented explained that the boys were non-self-directing and had no ability to keep themselves safe without supervision. After the hearing, I.E. and O.E. received favorable hearing decisions and each was awarded

195 hours per month of protective supervision. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Award of Protective Supervision to Minor.

C.G. has multiple disabilities, and has significant delays due to those disabilities. Upon turning 3, C.G. transitioned from Early Start to Regional Center eligibility on the basis of autism. C.G.'s mother applied for IHSS, including protective supervision, on C.G.'s behalf at that time because of C.G.'s increase in risk to his health and safety as he became more mobile. Although there were multiple professional opinions that C.G. was significantly at risk due to his disabilities, eligibility for protective supervision was denied based upon a social worker's home visit and observations that C.G. seemed fine and engaged only in normal behavior for his age.

OCRA assisted with filing a hearing request, and represented C.G. at the hearing. The ALJ ruled in C.G.'s favor. Andy Holcombe, CRA, Lorie Atamiam, Assistant CRA, Far Northern Regional Center.

K.S. Appeals Improper IHSS Share of Cost.

K.S. receives Social Security benefits on her deceased father's earnings account as a disabled adult child and is no longer eligible for SSI. OCRA was contacted by K.S.'s supported living provider because of concerns about K.S.'s notice of an increase in her IHSS SOC. K.S. needs her entire benefit amount to continue living in her own apartment with supported living services.

For several years, OCRA has worked hard to ensure that recipients of "Disabled Adult Child" (DAC) benefits get the zero-share of cost Medi-Cal to which they are entitled. Consumers who lose financial eligibility for SSI because of an increase in DAC are suppose to be treated for Medi-Cal purposes as if they still received SSI.

In this case, OCRA appealed the NOA assigning a SOC and was able to get the county to correctly assign a zero SOC without going to hearing. As a result of OCRA's advocacy, K.S. is able to continue living independently. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay

Twins Found Eligible for IHSS.

A.S. and A.S are 5-year-old twin girls diagnosed with autism. After applying for IHSS, they were denied eligibility because they did not meet the SSI disability criteria. OCRA filed for an IHSS hearing on behalf of the twins. Because the twins were not SSI recipients, IHSS needed to determine if the twins qualified for IHSS based on their disability. The twins had to be evaluated by the state disability determination process. The IHSS hearings were conditionally withdrawn reserving the initial application date of September 11, 2008, pending the outcome of the state disability determination. OCRA helped the mother fill out the lengthy disability determination paperwork. After a few months, one of the twins was found eligible by the disability determination unit. Because the other twin's paperwork was sent to a different disability determination office, she still remained ineligible. However, OCRA resolved the SSI eligibility for both of the twins and then contacted IHSS. The county IHSS office reflected the changes in its system and found the second twin eligible for IHSS. Together, the twins received 86.5 hours of IHSS and retroactive payments going back to September 11, 2008. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

OCRA's Technical Assistance Results in Protective Supervision for M.F.

M.F.'s parent contacted OCRA because M.F. qualified for only 22.2 IHSS hours and M.F.'s father thought that was not M.F.'s actual need. OCRA provided M.F.'s parent with self-assessment and related forms to analyze M.F.'s need for services. M.F.'s father completed all documentation and concluded that M.F.'s behaviors could qualify him for protective supervision. OCRA requested that the parents get a copy of M.F.'s records from the school district and regional center to assist in the initial assessment with IHSS.

M.F.'s father and OCRA went through all the documentation and organized a packet for M.F.'s father to give to the IHSS worker. Within 30 days of the initial assessment, M.F.'s father received the

NOA awarding M.F. 195 hours of protective supervision. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

Fully Favorable Decision in SSI Case.

J.R. currently attends community college after earning a diploma at his local high school. When J.R. turned 18, the SSA notified him that he was no longer disabled and that his SSI would be discontinued. J.R. immediately requested a reconsideration. At his December, 2008, reconsideration, the hearing officer upheld the cessation determination so J.R. requested a fair hearing with continued benefits.

J.R. asked OCRA to represent him at hearing. OCRA developed a brief discussing errors the reconsideration hearing officer had made. The ALJ agreed and found J.R. eligible for SSI. Matthew M. Pope, CRA, Eastern Los Angeles Regional Center.

D.R. Receives Protective Supervision after OCRA Intervention.

D.R.'s mother, who is a monolingual-Spanish speaker, initially contacted OCRA in October, 2009, requesting assistance with obtaining protective supervision for her 18-year-old daughter who has cerebral palsy. D.R.'s mother reported that during the annual reassessment for IHSS, the county social worker requested that the parent have D.R.'s primary care physician complete the mandatory forms to document the need for protective supervision.

D.R.'s mother returned the completed form to the county. Soon after submitting the required paperwork, the parent received a NOA dated December 1, 2009, awarding D.R. a total of 52.1 hours per month which was the same amount previously awarded. The notice of action had a comment which read "pending protective supervision hours determination."

Upon receiving this NOA, OCRA advised D.R.'s mother to immediately file for hearing on the basis that her daughter was eligible to receive protective supervision hours from IHSS. OCRA explained to the parent that the December 1, 2009, NOA constituted

a constructive denial of protective supervision and that the parent had to file for a hearing to preserve the original eligibility date.

OCRA agreed to represent D.R. at the upcoming hearing. In an effort to resolve this matter informally, OCRA contacted the county appeals specialist and argued that D.R. was eligible for protective supervision. The county agreed to a conditional withdrawal in light of the additional information provided by OCRA. Subsequently, D.R.'s mother received an amended NOA dated December 31, 2009, indicating that D.R. was entitled to receive a total of 195 hours for protective supervision, bringing her total monthly hours to 247.1. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

P.M. Regains His Mobility.

In 2007, P.M. had undergone a long pre-authorization process to get the expensive specialized electric wheelchair he needed funded by Medicare. As time went on, the chair was in the shop for repairs nearly as much as it was being used by P.M. The local distributor could no longer make sufficient repairs to the chair. The distributor arranged to have the chair sent back to the manufacturer in Ohio for complex repairs. The local distributor then misplaced some of the records, moved locations, and ultimately stopped even trying to get P.M. a working wheelchair.

The regional center asked OCRA to intervene. OCRA contacted the manufacturer who claimed that P.M. was a "high-end user" and therefore a new chair would not be covered. OCRA then advised the manufacturer about the "lemon laws" regarding durable medical equipment and assistive technology. The manufacturer then agreed to fit P.M. for a new chair. Jim Stoepler, CRA, Redwood Coast Regional Center.

Retro SSI.

S.M.'s mother had concerns that S.M. was not receiving the appropriate monthly SSI amount. S.M.'s mother, with help from OCRA, was successful in obtaining an increase in S.M.'s monthly SSI amount. S.M.'s mother, who is monolingual-Spanish speaking,

contacted OCRA for assistance in understanding a new letter she had received from the SSA. After reviewing the letter, it was good news that S.M. was going to receive a retro amount of \$5,384.00. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

County Agrees to Rescind K.M.'s Medi-Cal Termination.

K.M. appealed a Medi-Cal termination of services caused when K.M. failed to fill out and return a packet that Medi-Cal had sent K.M. The packet was very thick and included six separate application forms including applications for IHSS, voting, and immigration. K.M.'s social worker threatened to stop aid-aid-pending unless K.M. submitted a completed packet. One week later, K.M. was denied Medi-Cal coverage for K.M.'s usual monthly order of necessary medical supplies. OCRA worked with the appeals representative to reinstate K.M.'s aid-paid-pending, so that K. M. could obtain medication and supplies.

One week before the Medi-Cal hearing, K.M. received a call from K.M.'s IHSS social worker and was informed that if K.M. did not fill out a packet, K.M.'s IHSS would immediately be terminated. OCRA and K.M. contacted the social worker who agreed to provide a NOA. OCRA assisted K.M with preparing a hearing packet for the Medi-Cal hearing. Prior to the hearing, K.M.'s termination was rescinded by the appeals representative. Jacqueline Miller, CRA, Cynthia Salomon, Assistant CRA, Regional Center of Orange County.

CONSUMER FINANCE

Consumer Struggles with Credit Card Debt.

OCRA was called by M.T.'s father because he had spent many months attempting to resolve a credit card issue for his daughter. M.T. had a credit card and had considerable debt resulting from its use. Her father paid the debt and was assured by the company that the account would be closed. Unfortunately, that did not happen and M.T. was issued a new credit card.

OCRA spent many months contacting the credit agency. Several

times it seemed the issues had been favorably resolved and then M.T. would receive another phone call or bill. OCRA continued to advocate for M.T. It has now been three months since M.T. has received any further phone calls or bills from the credit agency. Katy Lusson, CRA, Amanda St. James, Assistant CRC, Golden Gate Regional Center.

Credit Account Access Re-established.

J.F. contacted OCRA because she received a notice from WalMart's credit card company stating her access to credit was terminated because of a history of bad check payments on the account. J.F. denied any history of sending bad checks. OCRA investigated records of the account and J.F.'s bank account and found no evidence of returned checks.

OCRA wrote the credit company explaining that J.F. disputed the claim of bad checks, and requested either an itemization of specific payment problems or reinstatement of the line of credit. WalMart notified J.F. a short time later that her access to her credit line was re-established. Doug Harris, CRA, Redwood Coast Regional Center.

PERSONAL AUTONOMY

Consumer Challenges Conservatorship.

I.Z. wanted to terminate her conservatorship. She felt that the conservator, who was her sister, was exceeding the scope of her authority.

I.Z. had been living in a residential care facility for years. She wanted to live more independently. On the day of hearing scheduled to contest the conservatorship, the public defender and OCRA met with the family and family's attorney. I.Z. eloquently advocated for herself. She explained why she was ready to live without a conservatorship.

I.Z. and her public defender negotiated an agreement with the conservator whereby I.Z. will be placed in her own apartment with regional center support services. The regional center will monitor

I.Z.'s progress toward independent living. The conservatorship will remain in place until it is determined that I.Z. has demonstrated the ability to live independently with regional center services. A three month review was scheduled to verify new placement and progress. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Requirement of Conservatorship for Continued CCS Services Avoided.

N.W. receives California Children's Services (CCS) and had recently turned 18. The local CCS office informed N.W.'s mother that a conservatorship would be needed for someone to provide consent for future services. Her mother contacted OCRA. Through consultation and research it was determined that legal precedent for consent by the closest relative was permissible. OCRA wrote a letter explaining the legal basis for consent by the mother and the inappropriateness of a conservatorship in this situation. CCS reversed its position and services continued without need of a conservatorship. Doug Harris, CRA, Redwood Coast Regional Center.

Consumers Exercise Choice.

J.K. and R.K. are brothers and are diagnosed with developmental delays and speech impairment. The brothers reside next door to their mother who lives in a senior retirement home. They love living in a small family home with people who have known them for years. The residential service provider and the brothers' sister have a difficult relationship and the sister had complained to licensing and wanted her brothers to move.

The brothers refused to move and expressed their desire to remain in their home instead of doing as their sister wanted. OCRA advocated for the clients to choose their preferred living option and remain in the community near their mother. No further changes in placement have occurred since OCRA sent a letter advocating for the rights of the brothers. Leinani Walter, CRA, Valley Mountain Regional Center.

REGIONAL CENTER

Regional Center Collaborates with School District.

S.M. and S.C. are both 7-years old and have Down's syndrome. Their parents were told that the children could not attend an after-school program. S.M. had already attended last year, with an aide paid for by regional center, and had no problems.

The new administrator of the after-school program claimed that attendance at the after-school program represented a potential "liability." County Counsel got involved and said the "liability" issue had to do with the fact that the aide worked for both the regional center and the school district. The school district wanted assurances that it would be indemnified if problems arose with the aid's work in the after-school program.

OCRA facilitated discussion between parents, regional center, the school district, and counsel for the regional center. An agreement was ultimately developed and signed by all the parties. The two children and their aide are now attending the after-school program. Katy Lusson, CRA, Amanda St. James, Assistant CRC, Golden Gate Regional Center.

Regional Center Eligibility.

A.C. was an early start client and prior to turning 3, he received more than 3 services from the regional center. During the social assessment to determine on-going regional center eligibility at age 3, A.C.'s mother reported that A.C. was talking about how much he liked Spiderman. The regional center assessor noted this in the assessment and added that A.C. sees spiders in his room. The psychologist read the social assessment and decided that A.C. has hallucinations and therefore diagnosed A.C. with psychotic disorder, though the testing indicated a diagnosis of autism.

His mother contacted OCRA. OCRA agreed to provide assistance. Based on a review of all documentation related to A.C., OCRA recommended a psychological assessment with a private psychologist for a determination of eligibility. The psychologist assessed and diagnosed A.C. with autism. OCRA submitted A.C.'s records to the regional center for a new eligibility determination. A.C.

was made eligible for regional center services. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

Early Start Eligibility Redetermined.

A.D. is one-year old and receiving Early Start services. A.D.'s mother contacted OCRA after the regional center sent a NOA terminating Early Start services. The regional center alleged that A.D. no longer met the definition for an infant or toddler with a disability as a result of changes in the eligibility criteria. A new developmental assessment concluded that A.D. did not meet the requirements for significant delay of 33% in two or more areas or 50% delay in one developmental area.

OCRA provided technical assistance. At the mediation, both parties agreed to delay going to hearing in favor of a second developmental assessment. As a result of the second developmental assessment, the regional center decided to continue eligibility for A.D. under the Early Start program. Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

Regional Center Finds C.K. Eligible for Services.

C.K. was verbally denied regional center eligibility twice before contacting OCRA for assistance. Each verbal denial was given immediately upon her call to the regional center intake worker. With C.K. stating that her IQ was 90, the regional center consistently told C.K. that her IQ was too high to qualify for services. The regional center never conducted any psychological assessments to determine C.K.'s true IQ scores.

C.K. contacted OCRA for assistance with the regional center intake coordinator. OCRA provided C.K. with advice about self-advocacy, including how to work with the intake coordinator. OCRA sent C.K. a letter explaining the regional center eligibility criteria. C.K. again contacted the regional center intake coordinator, advised him that she had been in touch with OCRA and he agreed to set up an appointment for assessments. After initial and follow-up appointments, C.K. was found eligible for regional center services under the qualifying diagnosis of mental retardation. Kendra

McWright, Temporary CRA, Gina Gheno, Assistant CRA, Tri-Counties Regional Center.

R.R.'s Receives Supported Living Services.

R.R. is a 59-year-old woman with CP, who started living independently at the age of 16. As her medical care needs increased, R.R. requested supported living services (SLS). After a favorable SLS assessment, the regional center denied her request due to safety concerns because R.R. smokes.

R.R. appealed and OCRA agreed to provide legal representation at hearing. OCRA argued that providing SLS to R.R. was consistent with the Lanterman Act provisions to enable people with developmental disabilities to be integrated in the community and to obtain services and support to enable them to maintain their independence. As a result, the ALJ ordered the regional center to provide 290 hours of SLS for R.R. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

SPECIAL EDUCATION

Student Maintains Appropriate Placement.

K.U. has always been integrated into general education classes. At the start of her junior year of high school, the district wanted to place her in a special day class (SDC) at a different school. K.U. wanted to remain in her current placement. The district filed for due process to require K.U. to change schools.

OCRA provided direct representation at a 4-day due process hearing and prevailed on all issues. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

Twins Obtain Appropriate Educational Program and Trained Teacher.

M.K. and I.K. are 15-year-old twins with autism. They attend a SDC for students with a combination of significant disabilities. This is the only program available to them in their remote community. M.K. and I.K.'s mother called OCRA requesting advocacy assistance because she believed her sons were not making academic progress in this school setting. She was seeking an organized, quiet classroom, with a structured schedule, led by a teacher with training or experience in autism.

OCRA represented M.K. and I.K. at an IEP meeting and argued that their current placement was not appropriate for them. The school district agreed to an assessment of the classroom by an autism specialist and to have the teacher trained in the area of autism. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

OCRA Prevents Expulsion.

OCRA was contacted by J.W.'s Regional Center case worker due to a threatened expulsion. After receiving a letter from OCRA, the district agreed to withdraw the expulsion and assess J.W. Before the assessments could be completed, the district again attempted to expel J.W. following a second incident.

OCRA filed for due process and represented at a resolution session. The district agreed to withdraw the expulsion and assess J.W. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

C.C. Receives Appropriate Placement.

C.C.'s family contacted OCRA because it had some concerns regarding his educational program. The family felt C.C.'s teacher was punishing C.C. without cause and the school refused to hold an IEP meeting. C.C.'s family felt his placement was no longer appropriate.

OCRA provided direct representation at an IEP. The district agreed to provide C.C. with individual counseling. They also agreed that C.C. could transition into a resource (RSP) class and offered

transportation. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

OCRA Successfully Advocates at Manifestation Determination.

OCRA was initially contacted because R.R.'s parent wanted R.R. to attend a different school. Subsequently, the district attempted to expel R.R. OCRA provided direct representation at an IEP and manifestation determination meeting.

R.R.'s behavior was determined to be a product of his disability, so he was not expelled. R.R. was offered a program that has behavioral support funded by the school district. Transportation will be funded by the regional center. The regional center also agreed to fund an occupational therapy (OT) assessment. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Nate Navarro, Assistant CRA, Central Valley Regional Center.

Hot Water Restored to Student Restroom.

OCRA received complaints of hot water not being provided in the restroom which served students of a SDC. Some students were being sent home because they could not be properly cleaned without hot water. OCRA sent the school and the superintendent a Williams complaint form which explained all of the reasons why the lack of hot water is a violation of the *Williams* lawsuit.

The *Williams* lawsuit was filed on behalf of public school students to ensure that students will have books, a safe and clean school, and qualified teachers. Upon sending the complaint form, the school immediately called OCRA and stated that the hot water would be fixed the following school day.

Students will now have a restroom in proper working condition at the school. For more information about the *Williams* settlement, please go to <http://www.decentschools.org/> Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

C.M. Remains in School after Manifestation Determination.

C.M. is 15, attends a regular high school and has autism spectrum disorder. Somehow, the high school did not have information about C.M.'s diagnosis and labeled C.M. as having a speech and language delayed.

C.M. was a member of the track team. His mother usually attended his track meets so that she could supervise him and make sure that he was safe. C.M. attended a track meet without his mother. He lost a race, was very upset, and was inappropriate with other children. His mother was then called to pick up C.M. He was suspended and his parents were told that C.M. would be expelled.

OCRA was asked to help keep C.M. from being expelled. It was clear that C.M. did not understand that his behavior had harmed the other children. OCRA explained the process of the Manifestation Determination Meeting and the importance of showing that C.M.'s behavior was caused by or had a direct and substantial relationship to C.M.'s autism and his lack of understanding of how his behavior affected other people.

OCRA represented C.M. at the Manifestation Meeting and the IEP Team agreed that C.M.'s behavior was caused by his disabilities. C.M. was not expelled. C.M. is now attending a nonpublic school and is receiving appropriate services. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

School Agrees to Provide Transportation to Student.

B.K. recently started a new school and was told the school does not provide transportation to special education students who live close to the school or who do not have a specific type of disability. OCRA represented B.K. at his IEP and advised that the school district's position was contrary to state and federal law. The school district agreed to provide transportation for B.K. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

Student Receives Transportation.

J.B. is a student with autism who lives over 8 miles from school. He was denied transportation services and was informed that the district no longer had funding for transportation. OCRA contacted the district to inform it that transportation is a special education service and case law makes it clear that districts are obligated to provide this service. The district agreed to provide bus transportation for J.B. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Student Out of School for Two Years without Appropriate Services.

V.Z. is a student with autism who has behavior challenges including jumping out of moving vehicles and physical resistance to attempts to get him to school. The school district failed to provide appropriate behavior intervention and placed V.Z. on home instruction for two years. OCRA filed for due process.

V.Z. is now placed full-time in a SDC with positive behavior intervention at home and school. He is also receiving compensatory special education services. OT services and parent training are also being funded by the district in the home.

Independent educational evaluations for speech, OT, and behavior were agreed upon and funded by the school district. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Student Restricted to Teacher's Lounge for One Year before OCRA Intervenes.

R.S. is a student eligible for special education under the category of autism and emotional disturbance. He had behavior problems related to his inappropriate placement in a class for students with emotional disabilities. Although R.S. was a teenager, the district placed R.S. in the only autism program in the district, a preschool. He was instructed by a 1:1 aide in the teacher's lounge for a year before his parents contacted OCRA.

OCRA negotiated an independent educational evaluation to determine an appropriate placement. R.S. is now placed on a public

middle school campus in a non-categorical SDC with a 1:1 aide. He receives mental health counseling and social pragmatics small group instruction. His special education and county mental health providers case conference on a monthly basis to assess his progress and assist R.S. with appropriate self regulation skills.

OCRA also advocated for an evaluation for OT as R.S.'s behaviors were related to unmet OT needs. He is currently receiving OT twice a week. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

R.A. Will Continue Riding the General Education Bus.

R.A. is a consumer who is integrated in an elementary school program. His father became concerned because a bus driver issued a warning about R.A.'s behavior on the bus including being out of his seat and not complying with requests to sit while in route. R.A.'s father asked the school to provide alternative transportation or reimburse him for driving R.A. to and from school. There was no reply, so he called OCRA.

OCRA advised the father to convene the IEP team to address behavior issues that occur on the bus and look for solutions that do not segregate R.A. from the general school population during transportation. As a result, the father and the IEP team agreed to measures on the regular bus that included assigning a "bus buddy" who rides to and from the same bus stop and seating R.A. in the front seat within easy view of the driver. These measures allowed R.A. to continue to ride in the regular education bus. Doug Harris, CRA, Redwood Coast Regional Center.

M.C. Will Spend More Time in a General Education Classroom.

M.C. is diagnosed with autism and lives at home with his mother. The mother contacted OCRA for assistance in advocating for school placement in the least restrictive environment for her son. The mother believed M.C. would benefit from placement in a general education classroom as opposed to placement in a SDC because he has tested in the average range of intelligence.

OCRA assisted the mother with preparing for the IEP meetings. OCRA also provided A.C. with information on the school district's responsibilities. OCRA attended a team meeting with the mother to advocate for a change from the SDC to the general education class. At this meeting, the school district agreed to begin transitioning M.C. to spend more time in the general education class. Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center.

R.M. Will Go Back to a LRE.

R.M. is a 15-year-old with autism. During the school year, R.M. had been suspended about 9 times. Unaware of her child's rights, R.M.'s mother initially agreed to home schooling and signed an IEP authorizing the school district to place R.M. in a very restrictive non-public school placement. R.M.'s mother is a monolingual-Spanish speaker and all of the paperwork she was given, including the IEP, was provided in English. After noticing R.M. was regressing and mimicking aggressive behaviors of other students, R.M.'s mother contacted OCRA. OCRA agreed to review the case and after representing R.M. at two IEP meetings, the school district agreed to return R.M. to his previous public school placement for the upcoming semester. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

M.M. Is Successful in His Reconsideration Request.

Update: A compliance complaint that was filed on behalf of M.M. came back only partially in his favor. M.M.'s mother requested that OCRA appeal the California Department of Education's (CDE) finding that there was no proof that the school district did not implement M.M.'s American Sign Language (ASL) goal.

OCRA filed for reconsideration and provided additional arguments about the implementation of IEP goals. CDE approved the reconsideration request and ultimately found that the school was out of compliance with M.M.'s ASL goal. CDE ordered the district to supply it with additional documentation that the goal was being implemented or that it had been revised. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Parent Files a Compliance Complaint.

O.C. is a 5-year-old boy with autism. He resides with his parents. O.C.'s mother contacted OCRA for assistance. O.C. had not received educational support services from the school district since beginning school in October, 2008. During the 2008-2009 school year, O.C.'s parent expressed to his teacher and other district staff ongoing concerns regarding O.C.'s initial assessment results including his significant communication deficits, fine motor delays, lack of play skills, self-help and sensory processing needs, maladaptive behaviors, difficulty initiating social interactions and making transitions. OCRA assisted O.C.'s parent in filing a compliance complaint for the district's failure to hold a 30-day placement meeting as required in O.C.'s October 17, 2008, IEP; to convene an IEP meeting within 30 days of the parent's written request; to provide an assessment plan for speech/communication; to provide progress reports over the 2008-2009 school year as required in his October 17, 2008 IEP; and ensure that adequate notice is provided to IEP team members of scheduled IEP meetings. The CDE accepted the complaint for investigation and advised O.C.'s parent of its preliminary findings supporting the allegations of non-compliance. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

Compliance Complaint Yields NPA Assessments for A.C.

A.C.'s parent had been trying to get assessments and appropriate services from A.C.'s school through the IEP process. After A.C.'s parent had attended numerous IEP meetings, the parent contacted OCRA for assistance.

After a review of A.C.'s cumulative file, OCRA filed a compliance complaint with the CDE. The complaint alleged numerous procedural violations and a proposed resolution including assessment plans for OT and a functional behavioral assessment (FBA), agreement that a non-public agency (NPA) would conduct the OT and FBA assessments, and that the school receive an in-service training as to timelines associated with consent forms, assessments, and requests for IEP meetings.

The CDE investigator district found the district out of compliance and granted all aspects of the proposed resolution. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

OUTREACH/TRAINING

OCRA Uses Outreach and Training to Assist Families in Preserving Social Skills Training Services.

The budget signed by the Governor on August 28, 2009, suspended a group of regional center services. These services included: camp, non-medical therapies, social recreational services, educational services, and others. The services may continue to be funded under an exception policy. OCRA began providing trainings to the community about the changes to law and the appeal process. OCRA also prepared a hearing booklet that explained the hearing process and included sample documents for families to use at hearing. These were given to many families to educate them about their rights and the appeal process.

One of these clients is W.D. a 17-year-old with autism who had been receiving services through Inclusive Education and Community Partnership (IECP). He worked with IECP to increase his functional communication (as he is non-verbal) and socialization skills. His goals include sustaining group meals, chewing food appropriately, sitting appropriately in the car and wearing a seat belt, increasing his safety awareness, expanding his concept of money and using money for purchases, and participating in non-preferred activities without protest behaviors. W.D.'s mother used the hearing booklet and sample documents to prepare for hearing. The CRA also was available for consultation and documents review. The ALJ found that the regional center had been overbroad in its interpretation of the suspended services law. He ordered the regional center to continue funding IECP. Katie Hornberger, CRA, Harbor Regional Center.