

**OFFICE OF CLIENTS' RIGHTS ADVOCACY
ADVOCACY REPORT**

WINTER, 2008

BENEFITS

SSDI Overpayment Waived and SSI Reinstated.

J.P. is married and works part-time at a restaurant. J.P. reported her monthly income and her husband's income to the Social Security Administration (SSA). SSA used the information to calculate Supplemental Social Security (SSI) but failed to use the information for determining disability insurance eligibility (SSDI). J.P. was then found by the SSA to have a \$6,400 SSDI overpayment. OCRA represented J.P. at her informal conference and alleged that J.P. was not at fault for the overpayment and had no ability to repay the money. After the meeting, the SSA waived the overpayment in full and restored all Social Security benefits. Leinani Neves, CRA, Valley Mountain Regional Center.

J.M. Obtains Maximum In-Home Supportive Services Hours Plus Protective Supervision.

J.M. is a regional center consumer who has been diagnosed with mental retardation. Recently, J.M. was denied eligibility for In-Home Supportive Services (IHSS). J.M.'s mother appealed on his behalf and at hearing, the judge ordered a re-assessment at J.M.'s home. Immediately, J.M.'s mother contacted OCRA for assistance. OCRA provided counsel to J.M.'s mother and informed her about the IHSS program including the criteria for eligibility for both IHSS and protective supervision. Additionally, in preparation for the re-assessment meeting, OCRA assisted J.M.'s mother with filling out the self-assessment form which noted the services J.M.'s mother provides to J.M. throughout the day. OCRA also discussed the types of documentation that would prove that J.M. needed 24-hour care. Lastly, OCRA represented J.M. at the re-assessment meeting where OCRA convinced the social worker that J.M. needed both IHSS and protective supervision. After this re-assessment meeting, J.M. got the

maximum amount of IHSS hours. Jackie S. Chiang, CRA, Guadalupe Marquez, Assistant CRA.

Denial of Protective Supervision Reversed.

J.V.'s mother applied for IHSS for the 7-year-old boy but was denied. The parent appealed the denial. The county was ordered to reassess J.V. and granted 14.6 hours. J.V.'s mother again appealed and contacted OCRA for direct representation. OCRA agreed to represent J.V. The initial hearing was held at the county office on August 14, 2008, and a subsequent hearing at J.V.'s home on October 28, 2008, per the Administrative Law Judge's (ALJ) request. At both hearings, the CRA disputed the number of hours and the lack of protective supervision, requesting that the ALJ order the county to provide 195 hours of protective supervision back to the initial date of application. The ALJ granted the claim and J.V. is now receiving 195 hours of IHSS. The ALJ further ordered retroactive services back to June 21, 2007, the original date of application. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

T.S. Is Awarded the Correct Amount of Adoption Assistance.

T.S. was adopted in May, 2007. At the time, his adoptive mother agreed to an Adoption Assistance Program (AAP) rate of \$2,006 per month. As T.S. became more medically fragile, his mother investigated increasing the AAP. In August, 2007, SB 84 was signed into law by the Governor. SB 84 called for a supplement to the AAP of up to \$1,000 per month for children who have extraordinary needs. In May, 2008, T.S.'s mother contacted her county worker about the supplement. She was told that because an All-County Letter had not been issued explaining implementation of the supplement, the county could not grant the supplement.

T.S.'s mother then took this issue to hearing and won. The ALJ ordered the county to immediately implement the supplement in regards to T.S. and ordered the supplement retroactive to July 1, 2007, the effective date of the bill. The county then requested a rehearing on the matter and T.S.'s mother contacted OCRA.

OCRA prepared and filed an Opposition to the Request for Rehearing. The rehearing was granted. OCRA then prepared and submitted a hearing brief on T.S.'s eligibility for the supplement. Prior to a hearing decision being issued, the All-County Letter describing how to implement the supplement was issued by the State Department of Social Services. OCRA then contacted the county and it agreed to grant T.S. the supplement and retroactive payment to July 1, 2007.

T.S. is now receiving \$2006 per month of AAP and will be receiving \$19,000 in retroactive payment. Katie Hornberger, CRA, Harbor Regional Center, Abigail Perez, Assistant CRA, Harbor Regional Center, Leinani Neves, CRA, Valley Mountain Regional Center, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

SSI Reinstated at Hearing.

T.O. has been a regional center consumer for over twenty years. He participated in a sheltered and assisted work program through a program vendored by the regional center. In 1999, T.O.'s "earnings" through the work program were improperly reported by the work program to the IRS on a 1099 Independent Contractor Earnings Form. In August, 2006, the SSA issued a Notice of Termination of Benefits and an Overpayment Notice, based upon the contention that T.O. had been engaged in substantial gainful employment (SGA) since 1999 due to his earnings.

OCRA submitted a Request for Reconsideration and an Overpayment Waiver Request. The waiver was put on hold by the SSA pending the review of the Reconsideration. The matter was not favorably resolved at the Reconsideration, so an Administrative Hearing was requested. The hearing was held in August, 2008. A favorable decision was issued.

The main issue on appeal was whether T.O.'s work performed established an ability to perform SGA. Based upon evidence produced regarding the sheltered nature of the work setting, the relaxed job duties, and the low productivity ratings, the ALJ found that all work performed was subsidized, and that at no time had SGA been performed, nor did T.O. have the ability to perform SGA.

Based upon the foregoing, T.O. was found to be eligible for benefits at all times. The termination notice was rescinded, thereby cancelling the alleged overpayment of over \$72,000. Andy Holcombe, CRA, Lorie Atamiam, Assistant CRA, Far Northern Regional Center

A.K.L. Obtains the Correct Amount of SSI.

A.K.L. is an adult who receives SSI and lives with his mother. The SSA had reduced his monthly grant, claiming that A.K.L. was "living in the household of another" and was not responsive when mother presented A.K.L.'s expenses. OCRA represented A.K.L. and filed for reconsideration, providing proof that A.K.L. pays his pro-rata share of living expenses. The reconsideration was granted and A.K.L. is now receiving the full grant amount. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

J.H.'s Receives More Than \$20,000 in Retroactive Payments.

J.H. is a 9-year-old with severe disabilities, whose mother is his primary care provider. After undergoing major surgery in late 2005, J.H.'s paramedical needs increased. On several occasions, beginning in January, 2006, J.H.'s mother notified IHSS about the impact of J.H.'s surgery, but the county failed to conduct a reassessment, and no adjustment was made in the number of IHSS hours.

J.H.'s mother contacted OCRA for help. OCRA filed for hearing, and then agreed to a conditional withdrawal when IHSS agreed to conduct a reassessment of J.H.'s needs. As a result of the reassessment, J.H. was awarded the maximum of 283 IHSS hours per month. Even though the county had become aware of J.H.'s increased needs in early 2006, it would only agree to pay retroactively from August, 2007. OCRA filed for hearing again.

OCRA met with the appeals worker to review the file, and pointed out several instances of clear documentation of J.H.'s additional needs, going back to January, 2006. As a result of this meeting, the county agreed to pay the appropriate number of retroactive hours. J.H. received retroactive payments of over \$20,000. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

Family Receives Retroactive Check from SSA.

M.A. has Down Syndrome. M.A.'s mother is Spanish-speaking. The amount of M.A.'s monthly SSI would fluctuate due to the parent's income and the deeming rules. The mother, a single parent, quit her job in order to care for M.A. because she could not find an appropriate child care provider. The mother reported to the SSA that she had stopped working and that she had no income effective July 15, 2008. SSI continued to provide an income of approximately \$100 per month.

The SSA indicated by way of a letter that its records showed the mother was still working and earning more than \$80,000 annually. OCRA advised the mother to make an appointment with the SSA and to ask the regional center service coordinator to accompany her. Both went to the meeting with the SSA and provided information indicating that the mother was no longer working.

M.S.'s mother was informed during the meeting that the SSA would make the necessary adjustments to M.A.'s file and that she would receive a retroactive check for approximately \$2,200. Lisa Navarro, Bilingual Assistant CRA, Alta California Regional Center.

IHSS Request for Financial Information Withdrawn.

OCRA received a call from K.T.'s parents because IHSS was asking them to provide financial information. The family had made several attempts to resolve this with IHSS but had not been successful. OCRA advised the family that due to the fact that K.T. was institutionally deemed for purposes of Medi-Cal, its income was not a factor in K.T.'s Medi-Cal eligibility and, therefore, should not be required information for IHSS.

OCRA facilitated contact with the specialist on institutional deeming at the regional center. The family was advised about what information would be included in a letter to IHSS. IHSS responded with a letter stating that the income did not determine eligibility but was needed for its computer records. IHSS also wrote that it would not penalize K.T. if the records were not provided and that her IHSS services would continue. Katy Lusson, CRA, Golden Gate Regional Center.

CONSUMER FINANCE

Bank Reverses Decision to Impose Overdraft Charges.

J.S., a regional center client with cognitive impairments, was unaware that his bank was deducting overdraft charges from his social security direct deposit account. The charges added up to \$5,000 without the client realizing it. Deducting overdraft charges resulted in insufficient funds to cover checks written by J.S. to pay his rent.

OCRA called the bank manager and the bank agreed to reverse all overdraft fees. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OUTREACH/TRAINING

Advocates Provide Training on Voting Rights.

Prior to the national election, OCRA advocates worked to provide multiple educational events for consumers on voting rights. Training events were conducted in both Northern and Southern California. Some were conducted in coordination with the Peer Self-Advocacy Unit at Disability Rights California. Consumers consistently gave the training events very high marks and demonstrated absolute pride in being able to make choices about candidates. Many consumers registered and voted for the very first time in their lives. OCRA/Northern and Southern California Offices.

OCRA Participates in Training of Administrative Law Judges.

On November 19, 2008, OCRA participated on a panel to train Administrative Law Judges (ALJ) from the Office of Administrative Hearings (OAH) on Early Start law. Brigitte Ammons from Disability Rights California, Ruth Janka from North Los Angeles County Regional Center, John Ziemantz from Regional Center of Orange County and Rick Ingraham from the Department of Developmental Services also sat on the panel, which was moderated by Daniel Juarez of OAH.

This was a unique opportunity to educate ALJ's about both the law and the special challenges that face parents of children in the Early Start program. The Early Start program is a federal program implemented in California through the regional centers to provide services and supports for children age 0 to 3 years who are at risk of or have a variety of disabilities. The program was developed to enhance development, minimize developmental delays, and recognize that significant brain development occurs during the first three years of life. Many children who receive services under Early Start will not need continuing intervention if they receive appropriate services and supports in a timely manner.

The ALJ's asked many questions and interesting dialogue ensued. It was a wonderful opportunity to present the claimants' perspective to the judges. Katie Hornberger, CRA, Harbor Regional Center.

PERSONAL AUTONOMY

Conservatorship Avoided.

D.S. has both psychiatric and developmental disabilities. When she was discharged from an acute care hospital, the hospital reportedly recommended a conservatorship. D.S. had a history of refusing medical treatment and signing out of hospitals against medical advice. The regional center referred her long time care worker to OCRA. D.S. wanted to live with this care worker.

D.S. asked OCRA to participate in her regional center team meeting. Since D.S. participates in self determination, her broker worked with other regional center staff, including a registered nurse and the regional center's consultant with mental health. OCRA assisted in coming up with a plan that would meet D.S.'s wants and needs without a referral for a conservatorship. D.S. is living successfully with her care worker. Jim Stoepler, CRA, Redwood Coast Regional Center.

REGIONAL CENTER

Special Needs of Consumer Warrant Additional Services.

B.F., K.F., and B.F are siblings receiving regional center services. All three of the siblings have significant behaviors that threaten the mother's ability to have the children remain at home. Their mother contacted OCRA saying that they had been receiving 75 hours a month of wraparound services to address inappropriate behaviors. The mother explained that the regional center had discontinued services without the parent's consent and did not provide a Notice of Action.

OCRA advocated for the hours to be restored. The regional center offered to provide 8 hours of service a month. Due to the seriousness of the behaviors and the fact that the behaviors had escalated, OCRA argued that the service level was inadequate. OCRA requested an evaluation to determine the level of need and to develop a comprehensive intervention plan. The regional center agreed to the evaluation. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

J.R. Found Eligible for Regional Center Services.

Four days after what was seemingly a normal birth, J.R. was diagnosed with seizure disorder, hydrocephalus, and hypoglycemia. At 10 months old, J.R. entered the Early Start program at the regional center. He continued to receive services until he was 3 years old and then J.R.'s case was closed. J.R. was transitioned to special education services. When J.R. continued to show significant delays, his mother contacted OCRA for assistance.

OCRA gathered records and determined that J.R. would benefit from an assessment by an independent psychologist. The psychologist reviewed records and agreed that J.R. should be assessed. OCRA submitted the independent assessment to the regional center and after 120 days, J.R. was made eligible under the 5th Category. Anastasia Bacigalupo, CRA, South Central Los Angeles Regional Center.

Regional Center Refusal to Address Supported Living Needs Reversed.

M.K. is a 20-year-old consumer living with friends. M.K. was informally told by her regional center service coordinator that she did not qualify for supported living services because she was still a student. OCRA researched the issue and, with her authorization, contacted M.K.'s service coordinator and requested clarification of regional center's position. M.K. reported shortly thereafter that the regional center had agreed to a supported living assessment. Doug Harris, CRA, Redwood Coast Regional Center.

Y.S. Gets the Day Program of Her Choice.

Y.S. is a Chinese-American young woman who is bilingual. She prefers to speak Chinese. She was attending a regional center funded day program three days per week. Although she regularly attended, she never felt comfortable there, as no one spoke Chinese. Her family then located a new day program that was vendored by the regional center with Chinese-speaking staff. The new day program also did more activities that Y.S. enjoyed and she could attend 5 days per week. Her family requested a change in day program from the regional center. It denied the request based on the new program being located further from her family home than her current program.

Y.S. contacted OCRA. OCRA met with her at the new day program which was allowing Y.S. to attend 2 days per week to determine if she liked the program. OCRA helped Y.S. and her mother complete the appeal paperwork and develop reasons for the informal meeting with the regional center. Following the informal meeting, the regional center agreed to fund 5 days per week at Y.S.'s day program of choice. Katie Hornberger, CRA, Abigail Perez, Assistant CRA, Harbor Regional Center.

Family Assisted with After School Care and Behavioral Services Following Mediation.

J.G. has a diagnosis of autism. His father asked the regional center for ABA services for his son and was denied. The regional center felt that J.G. had an "ABA like" program at school and was doing quite well.

They also said that they had visited J.G.'s after-school program and that the program was chaotic and not appropriate for J.G.

J.G.'s family filed a hearing request and requested mediation. At the mediation, the regional center agreed to assist J.G.'s parents in finding a more suitable after-school program and funding for that program. The regional center also agreed to provide the family with a Spanish-speaking behavioral consultant to work with them in their home. Katy Lusson, CRA, Golden Gate Regional Center.

RIGHTS IN THE COMMUNITY

B.D. Gets to Stay at Residence with No Share of Cost.

B.D. contacted OCRA because he was being told he would have to pay a share of cost in order to remain at his residential facility. If he did not pay, he would be asked to leave the facility. B.D.'s only income was a minimal amount from part-time work. B.D. received no public benefits at all. OCRA intervened and requested that the regional center assist B.D. in applying for SSI, which could be used to help pay for his residential facility. The regional center agreed to help B.D. apply for benefits and said he would not have to pay any money for his residence until he began receiving SSI. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

Client Gets Feeding Tube.

The ARC of San Diego called OCRA and reported that, although ARC's medical director and the attending physician at the hospital said a consumer needed a feeding tube to live, the hospital was listening to the consumer's family, who was refusing to allow the tube. OCRA contacted the Risk Management office and the attorney for the hospital and explained that, unless the client's right to make decisions had been taken away by a court, the consumer had the right to make such a decision. With the help of the Area Board, the consumer signed that he wanted the tube inserted, and the hospital complied. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Judge Dismisses Vehicle Code Violation.

K.J. is an adult with mental retardation who was cited for jaywalking in heavy traffic. He asked for OCRA's assistance to represent him in court as he has limited monthly income. Declarations were obtained from J.K.'s service coordinator and Independent Living Skills (ILS) instructor that K.J. usually understood rules in the community but that they would continue to work with K.J. on mobility and street crossing.

OCRA represented K.J. and argued that the case should be dismissed. OCRA offered a psychological evaluation and the declarations. The judge accepted the argument, and dismissed the case. Katie Meyer, CRA, Westside Regional Center.

J.T. Granted Reasonable Accommodation in Driver's Test.

J.T.'s driver's license was suspended after he was pulled over for failure to yield the right of way. He received a traffic ticket for making a right turn onto a roadway in front of two vehicles that had the right of way. The officer said that J.T. nearly caused a collision. The officer referred J.T.'s case to the Department of Motor Vehicle's (DMV) safety department.

J.T. was told that he would have to pass a driving test in order to get his license reinstated. The instructor claimed that during his driving test, J.T. committed critical errors and created numerous hazards which could have caused or contributed to a traffic collision.

J.T. said that the reason he had such a difficult time taking the driving test was that he was having trouble following the multiple instructions the instructor was giving to him during the driving test.

J.T. contacted OCRA for assistance in getting his driver's license reinstated. The Assistant CRA contacted the DMV and requested that J.T. be allowed to retake the driving test with a reasonable accommodation of being given one instruction at a time. The matter went to a hearing and OCRA provided technical assistance to J.T. and his mother. J.T. was granted the reasonable accommodation. Andrew Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

SPECIAL EDUCATION

OCRA Advocates for ABA and OT Services.

B.D. is a 5-year-old boy with autism. His mother contacted OCRA requesting representation during B.D.'s Independent Education Program (IEP) meeting. His regional center service coordinator offered to assist in communicating with B.D.'s mother who is monolingual-Vietnamese speaking.

The mother had requested an increase in her son's ABA and occupational therapy (OT) services. The school district's position was that two hours a day of 1:1 ABA and 30 minutes of OT once a week was sufficient. OCRA represented the student at the IEP meeting.

The district agreed to increase OT services to twice a week for 30 minutes. The district also agreed to provide B.D. with a 1:1 ABA therapist who would work as his full-time aide throughout his school day and to provide B.D.'s parent with a daily ABA log. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

OCRA Convinces District to Diagnose Correctly.

T.H.'s family contacted OCRA complaining that the school district had an incorrect diagnosis noted in school records. Because the types of services and supports the student receives is based upon the disability diagnosis, it was important that the district have the correct diagnosis. The CRA represented T.H. during IEPs and negotiated with the district's attorney to add the correct diagnosis to the IEP. Also at the CRA's request, the district agreed to do a functional behavioral analysis and to provide T.H. with counseling services. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Anna Ochoa, Assistant CRA, Central Valley Regional Center.

Special Education Waiting List Does Not Exist.

S.P. and B.P. moved into a new school district. When S.P. and B.P.'s parent contacted the new district for placement, S.P. and B.P.'s sibling, who did not have a disability, was immediately enrolled in school and placed into a class. The parent was informed that S.P. and B.P. would

be placed on a waiting list, and the school district did not know when placement would be available. S.P. and B.P. were out of school for over one month. OCRA contacted the Director of Special Education for the district and was told that the school district did not have a waiting list. S.P. and B.P. were placed within two days. Jacqueline Miller, CRA, Cynthia P. Salomón, Assistant CRA, Regional Center of Orange County.

LEA to Continue after School Transport as a Related Service.

R.J. is a 5-year-old child with autism and limited expressive language development. His parent was referred to OCRA for assistance by R.J.'s service coordinator.

From the start of the 2008-09 school year, R.J. was provided round trip transportation by the local education agency (LEA.) On October 7, 2008, the teacher advised the parent by telephone that effective immediately, R.J. would no longer be provided transportation after school, even though this related service had been identified in his current and previous IEPs. No explanation was provided by the teacher as to the termination of R.J.'s transportation. R.J. was not immediately transported after school that day. Instead, he waited two hours in the school office until another bus was dispatched after the parent explained her inability to leave work to pick up R.J. that day. When R.J. finally arrived at his destination, he was extremely upset and could not stop crying. On the following day, the LEA failed to provide after-school transportation to R.J. His mother contacted OCRA for assistance.

OCRA staff provided technical assistance to the parent by explaining R.J.'s special education rights and preparing a letter for the parent to submit to the school. The letter explained that anytime an LEA proposes to change a component of a student's IEP, a written notification has to be issued, explaining the reasons for the termination. R.J.'s mother requested a written notification within 7 days. The letter further stated that in accordance with R.J.'s current IEP, after-school transportation should be reinstated immediately until the matter was resolved.

R.J.'s parent submitted the letter to the school principal on October 9, 2008, and after-school transportation was reinstated and has remained in place without further interruption. Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

Early Start Transition Delay Addressed.

R.F. is a consumer who is within three months of turning 3-years old. His mother contacted OCRA because she was dissatisfied with the local school district's approach to transitioning from Early Start to public preschool. The school expected R.F. to be enrolled in preschool without prior development of an IEP. The Early Start service coordinator's request for a transition IEP planning meeting had gone unanswered.

OCRA provided technical assistance to R.F.'s mother, and then appeared at an IEP team meeting on behalf of R.F. A thorough assessment plan was agreed upon and completed. As a result, R.F. entered school with a variety of services and supports in place including services for visual impairment and 1:1 paraprofessional support. Doug Harris, CRA, Redwood Coast Regional Center.

Parent Successfully Advocates for Increase in Speech Therapy.

J.P. was due for his annual IEP. J.P.'s mother was told that J.P.'s speech therapy services would be reduced or even discontinued. J.P.'s mother disagreed with the reduction in speech services. J.P.'s mother contacted OCRA to request assistance in preparation for his upcoming IEP. J.P.'s mother informed the Assistant CRA of documentation she had from J.P.'s pediatrician and an evaluation supporting J.P.'s need for speech services. The mother had never shared this information with the LEA. The Assistant CRA assisted J.P.'s mother to organize the documentation to present to the IEP team. J.P.'s mother attended the IEP meeting and was successful. J.P.'s speech services were not reduced, but instead were increased. He will now receive 30-minute sessions twice a week instead of the two sessions a month he had been receiving. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

Student Receives Increase in 1:1 Aide Hours.

T.V.W. was transferred into his current school district without having a 30-day placement IEP meeting to discuss services. His IEP stated that he must have a 1:1 aide with him all day. The school was out of compliance. OCRA represented T.V.W. during the IEP meeting.

The service time of a contract aide was increased from 6 hours to 6.5 hours. The district also agreed to have T.V.W. supervised by a district aide in the morning from 8:00-8:30 prior to school starting. In addition, the district agreed to schedule an addendum IEP in January to discuss compensatory services for the total amount of time owed to T.V.W. for missed OT and speech services. Rita Defilippis, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center

A.L. Will Be Better Prepared to Enter Transition Program.

A.L.'s parents filed for due process, arguing that the district had not prepared A.L. to enter a transition program. The CRA agreed that the district had not provided A.L., who could communicate only with simple sign language, with an adequate communication system. The parents were insisting that sign language be taught as the primary mode of communication. The CRA agreed to represent and, in mediation, reached an agreement which, among other things, provided that A.L. would remain in the high school program for an additional year and be assessed for an appropriate communication system. This included an augmentative communication assessment and a psychological assessment by a school psychologist fluent in sign language. The assessments were conducted and an IEP held to review the results. A specific augmentative communication device was recommended and, with the parents' approval, was provided by the district. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Helps J.L. Get Home Instruction.

J.L.'s family contacted OCRA because the school staff was often placing J.L. in restraints. OCRA provided representation at an IEP where the district offered the parents five options: 1) individualized instruction (one teacher and one aide); 2) a split schedule between

home and school instruction; 3) Non public school; 4) counseling plus therapy; 5) allow the parents to bring in their own team to work with J.L. at the district's expense. Because J.L.'s family was afraid of J.L. being injured at school, the family wanted home instruction. OCRA negotiated a settlement agreement whereby the district agreed to provide services in J.L.'s home 5 days a week for one hour a day. He will also receive speech, occupational and behavior therapies in the home. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Anna Ochoa, Assistant CRA, Central Valley Regional Center.

OCRA Advocates for Additional IEP Goals.

M.M.'s mother called OCRA for help with several issues. Because of M.M.'s limited communication skills, the mother had been advocating unsuccessfully for American Sign Language (ASL) for her son. Although OCRA secured ASL goals in M.M.'s new IEP, the district was not following through. OCRA went to a follow-up IEP and negotiated a resolution with the Special Education Director. The school agreed to: 1) communicate better with the mother, 2) translate documents into the parents' native language and 3) change some goals to what the mother recommended. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Helps Student Get 1:1 Aide.

K.S.'s parents called because K.S. was being assaulted in class by another student. The parents wanted a 1:1 aide in class to protect K.S. OCRA contacted the assistant superintendant who agreed to provide K.S. with a 1:1 aide while a new, more appropriate class, to which K.S. can transfer, is being developed. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Anna Ochoa, Assistant CRA, Central Valley Regional Center.

R.P. Gets Private School Services and Assistive Technology.

When R.P. transferred school districts, the new district ended all of the services from the previous IEP, including 1) services from a private education center (reading and language comprehension), 2) A.T. equipment – laptop computer with pin, 3) Smart Board, and 4) use of a

projector in the classroom. OCRA drafted and filed a compliance complaint and various motions for a due process hearing. OCRA also provided representation at mediation. Although the mediator failed to come to the mediation, OCRA negotiated with the district and reached a settlement that gave the family all the services from the prior district pending the completion of new assessments. Arthur Lipscomb, CRA, Kay Spencer, Assistant CRA, Anna Ochoa, Assistant CRA, Central Valley Regional Center.

Parent Protect Client's Privacy.

V.S. moved to a private school where no IEP was developed. Three months after he entered the private school, his mother met at the school for a parent-teacher conference and noticed that the teacher had a copy of the IEP from the special education program in public school. The mother had not agreed to this IEP. The mother contacted OCRA, which explained that California law does not allow disclosure, without the parent's consent, of special education records. Armed with the law, V.S.' mother demanded that the school destroy any copies of V.S. records. The CRA also advised the parent that she had grounds for a compliance complaint and possible law suit against the district. The mother reported back that the private school principal agreed to the mother's demands. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Gets Student New Communication Program.

I.S., a 7-year-old boy whose speech is limited to 1-2 word phrases, was not making progress on his communication goals. The parents, unable to resolve the issue through IEPs, called OCRA. At the next IEP, OCRA convinced the district to use SCERTS, a new teaching method that helps children learn to communicate. The school also agreed to communicate better with the parents and update them twice a year on I.S.' progress. Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

K.P. Receives Behavioral Services at School instead of Suspension.

K.P.'s mother contacted OCRA after K.P. was reported to have inappropriately touched a teaching assistant. There was a history of similar incidents which had never been addressed in the IEP. The school district was threatening to suspend K.P. if the inappropriate touching occurred again.

OCRA represented K.P. at an IEP and advocated for the IEP team to address K.P.'s behavior, instead of punishing K.P. The district agreed and a behavior plan was developed for school. The regional center is also working with K.P. at home so that he will develop socialization skills both at school and in the community. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

Teenager Will Finally Receive an Appropriate Education.

14-year-old G.C.'s IEP called for her to have a 1:1 health care aide, which was not being provided by the school district. As OCRA began reviewing records and talking to G.C., it became clear that her educational services were lacking in many areas. G.C. wanted to participate in extra-curricular activities at her high school but had been denied because of the lack of the 1:1. G.C. also wanted a computer class and placement in a less restrictive environment for her academic work.

OCRA requested an IEP meeting and represented G.C. at her IEP. Through this process, G.C. got 20 hours of compensatory tutoring time, a computer class, mainstream classes, a new seizure plan, a new 1:1 aide, and a 1:1 aide for an extra-circular activity. The new 1:1 aide started 3 days after the IEP. G.C. will also receive new testing to determine future academic needs and transition planning. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

S.P. Gets a Spanish Speaking 1:1 Aide in an Autism-Specific Special Day Class.

S.P. is a 6-year-old monolingual Spanish-speaking child with Autism. S.P.'s mother contacted OCRA for help because S.P. would plead not to be sent to school each morning, and because she was not making any educational progress. OCRA made a classroom observation, and found that S.P. was not able to communicate even her most basic needs to her teacher or to the classroom aide, because neither of them spoke or understood any Spanish. In addition, the curriculum and teaching methods being used in S.P.'s classroom had not been designed for children with Autism. As a result, S.P. was observed to spend most of her time crying or wandering aimlessly around the classroom.

OCRA advocacy at several IEP meetings resulted in a change in placement to an Autism-specific special day class (SDC), but there were no Spanish speakers in the new classroom.

Because the district refused to provide a Spanish-speaking classroom aide to support S.P., OCRA and Disability Rights California filed for hearing against the district. After two mediation sessions, the school district agreed to provide S.P. with a 1:1 Spanish-speaking aide from a non-public agency, trained in ABA, to support S.P. in her new classroom. The district also agreed to provide S.P. with 76 hours of 1:1 in-home ABA instruction during the 2008-2009 extended school year. Anna Leach-Proffer, CRA, Celeste Palmer, Associate CRA, Regional Center of the East Bay.

C.C. Remains in School after Manifestation Determination.

C.C. is 20, has mental retardation and a brain injury. She attends a post-high school program. Due to C.C.'s brain injury, she has anger control issues and acts out physically. C.C. was suspended in September for hitting another student and a behavior plan was developed. The behavior plan worked well, but slowly staff stopped following the plan and C.C.'s behavior got worse. C.C. got upset and pushed the teacher. The parents of C.C. were told that C.C. would be expelled.

OCRA was asked to help. OCRA explained to the parents that a Manifestation Determination Meeting was required before the school district could expel C.C. and the importance of showing that C.C.'s behavior was caused by or had a direct and substantial relationship to C.C.'s mental retardation and brain injury.

C.C.'s parent used this information at the meeting and the IEP Team agreed that C.C.'s behavior was caused by her disabilities. C.C. was not expelled. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

O.B. Obtains Regional Center Eligibility.

O.B. is a 17-year-old youth who was suspected of having mental retardation. Another advocacy agency had initially been called by the Public Defender about the case because the regional center had denied O.B. regional center eligibility following an assessment that found O.B. had borderline intellectual functioning and depression.

OCRA met with O.B. and referred him for an assessment. That assessor found that O.B. tested clearly in the range for mental retardation. The psychologist did find some evidence of anxiety and depression but felt those were solely related to O.B.'s being detained in jail. OCRA submitted the report to regional center before the hearing date and negotiated for eligibility. The regional center made O.B. eligible. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center