

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Spring 2008

BENEFITS

SSI Payments for Child Reinstated.

The parent of a 7-year-old with a diagnosis of autism contacted OCRA after the parent's request to have Supplemental Social Security (SSI) reinstated for J.J. were dismissed by the Social Security Administration (SSA). The parent received a written notice in mid-2007, that his child's SSI was being terminated due to the family having excess resources and a second family car reportedly worth \$5,000. The father had previously provided the county with receipts documenting the family's monthly expenses, proof that the car was worth less than \$500 and a sales receipt that the car had already been sold. The Social Security worker refused to accept the paperwork, stating it was too late to reinstate the payments and that the father must place all paperwork in chronological order with a written explanation before SSA would accept the documents. OCRA agreed to write a letter to the SSA, help the parent organize the documents and coached the parent on what to present at a new meeting with the SSA supervisor. The demand letter explained that the child was still within the one-year period to have the SSI reinstated and alleged that the SSA did not comply with regulations by failing to assist the family to obtain the information. At a new meeting with the parent, the SSA notified the parent that his child's SSI payments would be reinstated, including retroactive payments from mid-2007. Tim Poe, CRA, Kern Regional Center.

G. C. Gets Needed IHSS.

G.C. had been receiving In-Home Support Services (IHSS) for the maximum of 283 hours per month with his mother as his provider for many years. She was recently told that she could not be his provider or he would lose his protective supervision, which was the bulk of his hours. Ms. C. contacted OCRA to see if the county was correct.

OCRA determined that G.C. needed to utilize two different waiver programs. The first, the Home Based Community Services Waiver, entitled him to Medi-Cal and IHSS. The second, the Independence Plus Waiver, entitled him to protective supervision through a parent provider. The county had failed to put him on the second waiver, which became available in 2004.

The CRA wrote a lengthy opinion letter regarding both waiver programs. G.C.'s mother then submitted this to the appeals worker for the county prior to hearing and the issue was resolved without the need for a hearing. G.C. has his 283 hours of IHSS back and the family received retroactive payments for the time G.C. was without protective supervision. Katie Hornberger, CRA, Harbor Regional Center.

OCRA Saves Client's IHSS Hours.

R.M.D., a 10-year-old girl, received notice from the county that her IHSS hours would end because her mother no longer worked. OCRA agreed to help and contacted R.M.D.'s IHSS worker explaining that the client's mother is a farm laborer who only works seasonal jobs and that OCRA would appeal the county's action. OCRA received a call a week later that the client's 200 IHSS hours per month would continue. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

OCRA Victorious After Appeals Council Remand.

After the administrative law judge (ALJ) decided that L.C. was not eligible for SSI because, in part, she was "faking" her disability, OCRA appealed the decision to the Social Security Appeals Council. The Appeals Council said the ALJ did not consider all of the evidence and sent the case back to the same judge for rehearing. OCRA represented at the rehearing, where L.C. received a favorable decision that restored her SSI and other disability benefits, including retroactive benefits. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

IHSS Reinstated Hours.

D.S. requires protective supervision and significant personal support services in feeding, daily living skills, and hygiene. IHSS reduced his monthly support hours based on an incorrect assessment.

OCRA assisted with the appeal including a review of the relevant documents. During this evaluation process, OCRA discovered the error. OCRA contacted IHSS and advocated for reinstatement of the hours based on the correct information. IHSS reviewed the assessment and reinstated the original hours. Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

Young Children Approved for Institutional Deeming Medi-Cal/DDS Waiver Services.

A.T., D.F., and A.B. are ineligible for needs-based Medi-Cal, yet are much in need of the health care and other benefits Medi-Cal can bring. The children have private health insurance but co-payments and therapies for their autism are a financial strain for their families. Their parents greatly need respite. After hearing about Institutional Deeming Medi-Cal, each family requested it of their case managers, but got discouraging responses. One child was denied. Case managers for the two others reported that children as young as they – three and eight years old – probably would not be eligible. The parents contacted OCRA.

OCRA provided the parents with relevant pages from the state's Manual of Criteria for Medi-Cal Authorization that deal with eligibility in order to get Institutional Deeming Medi-Cal. These rules show that a child whose autism makes communication and social interaction difficult could meet the eligibility requirements for an ICF-DDH. OCRA elicited information about behavioral concerns of the children's parents and explained how they fit within the ICF-DDH eligibility definition. With OCRA's guidance, the parents had their children's CDERs updated. The parents then asked the case managers to process the requests for Institutional Deeming Medi-Cal/DDS Waiver services. Each child was found eligible. Marsha Siegel, CRA, Regional Center of the East Bay.

Family Obtains Maximum IHSS Hours.

H.E. is a medically fragile 3-year-old who lives with his parents. Private insurance pays for 40 hours of nursing per week. Because of a shortage of nurses, there are no nurses available to work at night and the mother is

required to stay up all night to care for her son's medical needs. H.E.'s mother applied for IHSS in June, 2007. IHSS is supposed to determine need within 30 days. The family did not have a response in December, 2007, when it requested help from OCRA. OCRA requested a hearing on behalf of the family. Two weeks later, the maximum of 283 hours per month were awarded for paramedical care. Jackie Coleman, CRA, Jacqueline Gallegos, Assistant CRA, Alta Regional Center.

U.V. Is Awarded 283 IHSS Hours.

U.V. is a 14- year-old whose mother called OCRA and said that the county had reduced his IHSS hours from 215 to 95 hours. U.V.'s mother explained that U.V.'s needs had increased, he was growing bigger, and his behavior had recently become worse. OCRA opened the case for investigation and assessment, reviewed the relevant records, and attended U.V.'s evaluation. At the evaluation, the IHSS social worker claimed that U.V. was not entitled to 283 hours because "he lived with his mother who was at home during the day."

OCRA wrote an opinion letter which U.V.'s mother took to her fair hearing. OCRA stated that under the Department of Social Service's (DSS) regulations, since U.V.'s mother was unable to work because she could not find someone to care for U.V., he was entitled to have a relative provide all of the services. After reading this opinion letter, the ALJ granted 283 hours. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

A.H. Obtained Protective Supervision.

The mother of A.H. a 23-year-old diagnosed with MR contacted OCRA regarding an IHSS denial of protective supervision. The mother had filed for hearing and requested assistance. OCRA was able to successfully negotiate with the county representative for protective supervision and obtained \$14,742 in retroactive payment. Jacqueline Miller, CRA, Cynthia Solomon, Assistant CRA. Regional Center of Orange County.

Social Security Disability Insurance Overpayment Waived.

K.M. was assessed a \$12,000 Social Security overpayment due to the addition of another family member to the benefits paid on her father's earnings record. Although the SSA added the family member to the

benefits, it failed to properly reduce K.M.'s benefit so the maximum family benefit was not exceeded.

K.M.'s father contacted OCRA. After reviewing the notices that had been issued, assistance was provided with a waiver request. The SSA approved the request, relieving K.M. of responsibility for the overpayment. Doug Harris, CRA, Redwood Coast Regional Center.

OCRA Gets Client Maximum IHSS Hours.

C.D.'s mother called OCRA when the county denied C.D. protective supervision hours. The evidence clearly supported the need for protective supervision. C.D.'s physician and psychologist had confirmed that C.D.'s level of functioning was well below her chronological age. In addition, C.D.'s mother had a list of dangerous situations that C.D. had put herself in when nobody was watching. C.D.'s job coaches also agreed that C.D. needed 24-hour supervision.

OCRA appealed the county's denial and provided C.D. with direct representation at hearing. OCRA argued protective supervision was needed as well as more hours in other personal services categories. As a result, the ALJ ordered that C.D. receive the maximum 283 hours. This included protective supervision as well as hours in other categories. The ALJ also ordered retroactive hours from October, 2007, to the present. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

IHSS Protective Supervision Termination Reversed on Appeal.

S.N. is an adult who lives with his mother. He was receiving 283 hours of IHSS until a reassessment meeting where the social worker decided that S.N. was no longer severely disabled and only entitled to 195 hours of IHSS. OCRA was able to show at hearing that S.N. did qualify as severely disabled due to moderate to severe mental retardation, ambulation and balancing difficulties, and choking difficulties. S.N.'s 283 hours were reinstated retroactively. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

S.P. Wins the Protective Supervision Hours He Needs.

S.P. is a 40-year-old man with mental retardation and cerebral palsy who uses a wheelchair, walker, and hand-rails in his home. He lives with his family who is monolingual Korean speaking. The county had denied protective supervision because the worker erroneously believed he was unable to walk. Although the worker had been S.P.'s worker for more than 4 years, he had never stayed at the home long enough to observe S.P. use his walker or his hand-rails, nor did she ever explain protective supervision to the family.

OCRA represented S.P. at an IHSS mediation, a new pilot project in Los Angeles to avoid the time and cost of hearings. The family agreed to a reassessment at the family home with the county worker and nurse.

OCRA attended the reassessment and submitted a position statement outlining the need for protective supervision and increased service hours. Following the reassessment, S.P. was awarded protective supervision at the severely impaired rate. The amount will be retroactive and S.P. will receive \$17,829 in retroactive benefits awarded from the time he began his appeal. Katie Meyer, CRA, Westside Regional Center.

SSI Reinstated.

S.M. is a regional center consumer who has moderate mental retardation and a psychiatric disability. S.M. had received SSI without interruption since she was a small child and has never worked. She had many different addresses and representative payees, which caused some confusion over time. When S.M. called OCRA in September of 2007, her SSI was suddenly stopped with no notice of action and she received an overpayment notice for \$24,000 from the SSA. Shortly after that, her apartment building was foreclosed upon, forcing S.M. to stay in hotels. After OCRA and the local SSA supervisor did extensive research into why her SSI was stopped, it became evident that there were many issues. First, a disability cessation was done because S.M.'s representative payee failed to provide any ongoing proof of disability. Someone, however, had requested payment continuation and appealed the cessation in 2004. Between 2004 and 2007, two very small overpayments occurred.

In August of 2007, the hearing for the disability cessation occurred. S.M. was unrepresented by counsel. The ALJ issued a written decision on the two small overpayments that occurred, although S.M. did not file for hearing regarding any overpayment. The ALJ did not issue a decision on disability cessation, which was the only hearing S.M. had requested in 2004. Despite there being no decision on disability cessation, SSA suddenly stopped the SSI payments and assessed the large overpayment.

By submitting a new psychological evaluation, OCRA was able to get S.M. returned to payment status, stop SSA from collecting the overpayment, and filed for hearing to finally prove S.M.'s disability had not ceased. Katie Meyer, CRA, Westside Regional Center

O.R. Receives Assistive Technology.

O.R. is diagnosed with mental retardation and is also deaf. O.R. lives in an adult residential facility whose care provider is fluent in American Sign Language. Initially OCRA was contacted by O.R.'s ex-foster parent to investigate whether O.R. wished to live in his current placement. After OCRA met with O.R., it was determined he was content with the placement. However, during that meeting, OCRA realized that O.R. did not have a communication device that would allow him to communicate with people in the community who are not deaf or do not know how to sign. The Assistant CRA turned her efforts into getting O.R. an appropriate communication device. An IPP was scheduled to discuss assistive technology (AT) services. There were no previous communication goals as part of O.R.'s IPP. The regional center added communication as a goal and assisted O.R. in finding a generic resource that would provide O.R. with an AT device. O.R. will receive a telephone for the deaf from California Telephone Access free of charge and will now be able to communicate with friends, family and advocacy offices. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

CONSUMER FINANCES

OCRA Investigation Results in Debt Forgiveness.

J.R. opened several credit cards in his name at the request of his sister who lives in Arizona. His sister then used the cards, leaving J.R. with

approximately \$4,000 in debt. Despite repeated attempts by J.T. and his supported living agency to have his sister pay the debts, she refused. The sister also threatened J.R. on the phone. J.R. and his service provider contacted OCRA to assist him in resolving this issue.

OCRA met with J.R. and suggested that he file a police report. J.R. was initially reluctant to do this but after meeting with J.R. several times to discuss his options, he ended up filing the report. OCRA then wrote letters to the collection agencies, explaining the situation and asking that the debts be forgiven. One debt was forgiven but J.R. continued to receive letters about the other debt.

A meeting was arranged with J.R., the regional center, the supported living agency, and the police detective who was working the case. The detective told OCRA that J.R.'s sister had been involved in credit card fraud and was being investigated by the police in Arizona. OCRA wrote another letter to the collection agency and the detective also called the agency. They agreed to send the debt to their fraud department and discontinue any attempts for payment from J.R. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

DISCRIMINATION

Bus Company Agrees to Add a Bus to Route and Provides Sensitivity Training to All Staff.

OCRA filed a federal complaint against the local public bus company on behalf of two adult consumers who ambulate by wheelchair. The consumers tried previously to resolve their problems with the bus company by telephoning the customer service department, complaining to the bus drivers and addressing their problems at public community meetings. The allegations of discrimination based on a disability included the refusal of the bus company to provide alternative transportation on the route frequented by regional center consumers. Riders often had to wait over one hour for the bus due to the occupancy of the two bus spaces designated for riders in wheelchairs. In addition, the complaint alleged that the bus staff did not treat consumers with dignity, often referring to them as "wheelchairs." The Program Operations director of the bus company contacted OCRA to discuss the complaint. Following discussions with OCRA, the bus company agreed

to take corrective actions to address the allegations. The consumers and the CRA later met with the operations director. The bus company agreed to add another bus to the route, resulting in a pick up every half-hour and provide extensive training to all bus staff on respectful communications with and about passengers who use wheelchairs. The bus company also agreed to the consumers' request to address their concerns at an upcoming company staff training. At this training, the operations director and the consumers will review the current plan of corrective action and determine if there is a need for additional improvements. Tim Poe, CRA, Kern Regional Center.

J.E. Continues Working in a Harassment Free Workplace.

J.E., a regional center consumer with developmental disabilities, reported that his co-workers were harassing him at work. J.E. had held the same job for 30 years. OCRA agreed to assist J.E. by requesting a meeting with J.E., his employer, family, and regional center service coordinator. OCRA's investigation determined that the co-workers were teasing J.E. about his disability.

A written request was made to the employer requiring that the co-workers immediately stop the harassment and that the employer provide reasonable accommodations for J.E. so that he would be able to perform his job free from harassment. The co-workers were counseled by the employer, J.E.'s work shift was changed and one of the co-workers was transferred to another work site. Katherine Mottarella, CRA, Tri-Counties Regional Center.

HOUSING

Habitability Issues of Rental Housing Corrected.

M.G. and N.G. are mother and minor daughter who are both regional center consumers. A family friend contacted OCRA and related that numerous complaints about repairs and maintenance of M.G. and N.G.'s apartment to the managers had gone unaddressed for months.

OCRA provided assistance in drafting a list of repairs in writing and coached the caller on presenting these demands to the manager. The management agreed to an inspection of the property. This resulted in a

commitment to begin repairs and repainting within 10 days to correct the complaints. Doug Harris, CRA, Redwood Coast Regional Center.

Section 8 Reinstatement and Extension.

S.H. is a young woman who has lived in a nursing home for many years. OCRA and the Area Board worked for several years to get her out of the nursing home and into the community with supported living services. S.H. had been living in the community successfully for two years when she received a Section 8 voucher. The regional center vendorized an agency to assist S.H. in her search for an accessible apartment. S.H. requires 24-hour care. She uses a power wheelchair and a Hoyer Lift.

After several months, S.H. had not found an accessible apartment. OCRA received a call on a Friday afternoon that S.H.'s Section 8 voucher was going to expire at 5:00 PM that day. On Monday morning, OCRA contacted the Section 8 worker who was assigned to the case. This worker had told S.H., her regional center social worker, and the agency assisting S.H. in her housing search, that the voucher could not be extended, as she had already been granted one extension.

The worker said that if OCRA wrote a letter and sent documentation, she would approach her supervisor about a second extension. OCRA contacted the Area Board and the Congressional legislative aide in S.H.'s district. OCRA secured letters from the Area Board, the regional center, and the supported living staff. OCRA also wrote a letter on S.H.'s behalf. The congressional aide called the Section 8 worker.

OCRA put together all of the letters and got them to the Section 8 worker within two days. Several days later, OCRA was notified that the Section 8 voucher had been reinstated and that it had been extended for two months. OCRA has continued to contact the parties assisting S.H. in her search to assure that S.H. has accessible housing within the time allowed. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

PERSONAL AUTONOMY

L.W. Obtains Supported Living

L.W. is a 22-year-old with a diagnosis of autism, referred to OCRA by Adult Protective Supervision due to emotional abuse by his mother and aunt with whom L.W. resides. L.W. was never allowed to contact his father, favorite aunt or grandmother and he was losing hope that his wishes would ever be heard. L.W. informed OCRA that his mother and aunt had threatened that if he tried to seek assistance, he would be placed in an institution. L.W. expressed his dream to have his own apartment and go to school to help others.

OCRA represented L.W. at a planning team meeting at the regional center with L.W., his mother, and aunt, to create a plan for L.W. to obtain his apartment. Despite his mother's reluctance, it was agreed that L.W. would obtain supported living, deposit and first months rent, and continued rental assistance until he was eligible for Section 8. Both the mother and aunt were reluctant to let L.W. achieve his dream, and kept making excuses for postponing his move. OCRC had to remove several obstacles placed by L.S.'s mother. Two months later, OCRA received a call from L.W. expressing his happiness and gratitude for his new apartment and staff. Jacqueline Miller, CRA, Cynthia P. Salomón, Assistant CRA, Regional Center of Orange County.

A.R. Gets a Dog.

A.R. wanted to have a small companion animal. A.R.'s apartment lease requires her to have an amendment to her lease in order to have a pet. A.R. was told by her landlord that she could not have a pet because she lived on the second floor. A.R.'s service coordinator contacted OCRA to ask for assistance. OCRA sent the landlord a letter requesting that A.R. be allowed to have a small companion pet in her apartment as an accommodation under federal and state fair housing laws. A.R.'s psychiatrist wrote a letter of support indicating that A.R. could benefit from having a small animal. A.R.'s landlord agreed. Margie Oppel, Temporary CRA, Katherine Mottarella, CRA, Tri-Counties Regional Center.

J.E. Exercises His Right to Vote.

J.E. is 53-years-old and diagnosed with mental retardation, cerebral palsy, and an impulse control disorder. J.E. is an accomplished artist and has many ceramic and painted artworks on display. J.E. has attended the Allen Short Center in Stockton for years. After participating in the OCRA voting rights training at the day program, J.E. decided that he would like to vote for the first time in his adult life. J.E. understood the election process and provided education for his peers during the training.

OCRA assisted J.E. by helping him complete his California voter registration form by the deadline of January 22, 2008. OCRA personally delivered the completed forms to the local registrar's office in San Joaquin County so that J.E. would have the opportunity to vote during the California Primary Election on February 5th. Leinani Neves, CRA, Philomena Alomar, Assistant CRA, Valley Mountain Regional Center.

REGIONAL CENTER

J.M. Keeps Respite.

J.M.'s mother, a Spanish-speaker, is taking English classes at night so she can help J.M. with his school work. Because J.M.'s father's self-employment required that he work at night, the mother needed respite care for J.M. so she could continue to go to school. Although the regional center temporarily funded the respite care, after several months the family received notice that the respite would end. J.M.'s mother appealed and called OCRA, which provided technical assistance in preparing the mother to self-advocate at the hearing. OCRA prepared opening and closing statements and helped with the factual argument and questions for witnesses. J.M.'s mother went to hearing and prevailed. She continues to attend English classes as J.M. continues to receive respite. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

Restoration of Behavioral Services and New Services Provided for E.A.

E.A. lives at home with both parents and three siblings. E.A. and his family are Spanish speaking. As a result of termination of a contract between a vendor and Far Northern, needed in-home behavioral services were

terminated without notice to the family. No replacement services were provided. After several months of being told no new vendor had been located to provide behavioral services, E.A.'s parents contracted OCRA for assistance. Following intervention with the service coordinator, a "temporary" behaviorist, and a translator were provided. At a subsequent IPP meeting, it was agreed that the temporary behaviorist would be hired permanently. Additional services of more translation hours and 51 hours of respite care per quarter were also confirmed and included in an IPP addendum. Another positive outcome of the IPP was that the good working relationship between E.A. and family and the service coordinator was maintained. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center, Jacqueline Gallegos, Interpreter.

J. D. Gets the Day Program of His Choice.

J.D. had been attending the same day program for many years. He was bored with the activities and longed for a new program. One day, J.D. refused to go back due to his dislike of the program.

J.D. and his family consulted with the regional center to find a new day program. The regional center then offered a variety of programs that were all substantially similar to the program J.D. had just left. Many were quite a distance from his home. They all proved unsatisfactory. The family then found a program J.D. wanted to attend. It offered reading classes, a skill J.D. was trying to improve at home, and a specialized classroom to work on independent living skills. J.D. requested the program from the regional center and it was denied.

His family then called OCRA and the CRA agreed to prepare them for the hearing. The CRA assisted the family by building evidence packets including a chart of the services offered at each suggested program, subpoenaing witnesses and developing testimony. The ALJ found that placing J.D. in the program would support the Lanterman Act's objective of respecting the choices of the consumer and his family and that the program has the ability to provide quality services that will meet claimant's current needs. Katie Hornberger, CRA, Harbor Regional Center.

Family Not Responsible for Funding Respite Hours.

K.P.'s mother is a monolingual Spanish-speaker. She signed an English version of an IPP and was given verbal assurance from the regional center service coordinator that all services were to stay the same. The mother was not made aware that the respite hours were scheduled to expire.

Caring for K.P. involves a high level of care. The respite hours are crucial to keeping him in his home. Mother received an invoice from the respite agency for over \$1000. The family had unintentionally used unauthorized respite hours and the regional center was refusing to pay since the IPP indicated the purchase had expired.

OCRA reviewed the documents and met with both the provider and the regional center. OCRA explained that the situation was clearly not the fault of the family. Both agencies came to an agreement regarding the hours. The regional center did not require the family to pay for the service. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

Regional Center Provides Gap Funding for Mental Health Services.

The mother of E.P. called OCRA stating that their family moved from Alameda County to Santa Clara County. Her 21-year-old son was receiving mental health services in Alameda County but since the family's move to the new regional center, the mother was paying for the mental health services because E.P.'s Medi-Cal eligibility had not transferred to Santa Clara County. The new regional center claimed that the mother had not exhausted her resources and refused to pay for mental health services. OCRA called the service coordinator and requested that the regional center pay for mental health services until Medi-Cal was transferred. The regional center immediately agreed to provide mental health services. Rita DeFilippis, CRA, San Andreas Regional Center.

RIGHTS IN THE COMMUNITY

Court Orders District Attorney to follow the Law.

The Public Defender called OCRA for help with a juvenile who had been placed at Porterville Developmental Center. When OCRA investigated, it learned that the court had allowed N.M. to be placed at Porterville without proper legal steps. Neither N.M. nor his attorney was given notice of the court process that would put N.M. in Porterville. The court also allowed the Porterville placement to be completed in court by someone who is not an attorney. OCRA went to court and asked a different judge to reverse the Porterville placement and to order the District Attorney to follow the law. The judge agreed. N.M. is now being reassessed. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

SPECIAL EDUCATION

Private Tutoring Continues.

Once S.C. completed 6th grade, her parents decided to enroll her in a private parochial school. Her parents properly noticed the school district at the next IEP meeting and again in writing 2 months before her new placement. The parents also requested the school district continue to fund the 4 hours of private tutoring services that were designated in her current IEP. The school district ignored the parents' request for seven months before sending notice that the district would no longer fund the tutoring. OCRA met with the Director of Special Education and negotiated a settlement with the school district agreeing to fund the tutoring service for the remainder of the current IEP. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

Student Obtains Needed Services and Compensatory Hours.

D.V. is a 5-year old boy with autism. He moved to a new school district that acknowledged that it must fully implement his IEP from the previous school but was not doing so. The new district completed its own evaluations, and reduced the amount of occupational therapy (OT), physical therapy (PT) and speech therapy (speech) services. D.V.'s mother is a monolingual Spanish-speaker, so there were language access problems with the district personnel.

An IEP was held to talk about the OT and PT assessments, but the occupational therapist did not appear for the meeting. PT was discontinued completely. The IEP was continued for 2 weeks. The OT offer was not appropriate for D.V.

Because of all the disagreements, the mother and OCRA requested a Dispute Resolution Session with a facilitator present. D.V.'s needs were discussed and an agreement was reached and signed by all parties. The district agreed to fund an independent assessment for PT, a supplementary assessment for OT to address specific issues that were not addressed in the recent assessment, and clinic OT to be provided through a non-public agency, which is a more appropriate environment for D.V.'s therapy. After negotiation, the district also agreed to provide 1/2 hour more per week of OT than was initially offered.

Additionally the district agreed to provide all of the compensatory hours that were not provided during the transition between districts. D.V. will receive 24 hours of compensatory OT, and 16 hours of compensatory speech. Finally, the district offered D.V. a placement to supplement his Head Start placement. Luisa Delgadillo, Assistant CRA, Westside Regional Center.

Student Transferred to Transition Program.

J.F. is a 17-year-old student with significant cognitive and physical impairments. She has been fully included for many years although her parents wanted her to transfer to a transition program. The parents requested this move from the district and had several meetings but J.F. was not moved.

J.F.'s parents called OCRA and asked it to intervene. OCRA called the Director of Special Education for the district and asked for an IEP meeting to discuss placement. A timeline of what had transpired before OCRA became involved was developed.

OCRA accompanied J.F.'s parents to the meeting. The Director of Special Education said that the paperwork had been completed and that the parents would receive a letter regarding J.F.'s transfer to the transition program that the parents had requested. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Increase in Mainstream Time for Fourth Grade Student.

V.E.'s mother called requesting assistance in getting more mainstreaming for her daughter. At the last IEP meeting in early March, the mother had requested mainstreaming for all her daughter's classes and resource support for math and reading. She did not want her daughter in a special day class (SDC) and felt that her daughter's low math skills were a direct result of the low expectations of the SDC teacher.

The district's offer that the mother rejected was for SDC for language arts and resource for math, and mainstreaming for the rest of the day without a 1:1 aide. The mother did not want a SDC and requested a 1:1 aide for mainstreaming, and resource for math. Mother informed the school district that she intended to go to due process. OCRA contacted the director of special education. The district then offered resource for math and reading comprehension support for the regular class and mainstreaming for all else, with the agreement that the IEP include a review in 30 days to determine if V.E. needs a 1:1 aide or classroom accommodations to be successful in the regular class. The mother agreed to the proposed IEP. Rita DeFilippis, CRA, San Andreas Regional Center.

Student Receives 42 Hours of Compensatory Speech Services.

J.T. did not receive the speech services that were in his IEP for the previous school year. The speech therapist had been out ill and the district had not hired another speech therapist to cover the caseload. Despite repeated phone calls, letters, and meetings, J.T.'s parents had not been successful in their request to have these hours compensated in the current school year.

OCRA wrote a letter stating the concerns and suggesting that a compliance complaint would follow if the speech hours were not compensated for in a timely manner. OCRA attended a meeting with J.T.'s parents and the school district. The district agreed that J.T. was due 42 hours of compensatory speech and that it would begin providing it and continue to provide it through the extended school year. J.T. is now receiving the compensatory services as agreed. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

OCRA Prevents School from Discriminating Against Student.

R.J. is in a full inclusion kindergarten class with a 1:1 aide. The school decided to extend the school day for the kindergartners but R.J. was only allowed to stay for the extended part of the day if his mother came to the class. R.J.'s mother requested that the school reconsider its position as it had singled R.J. out from his peers and compromised his performance in class. The school stated that it did not have money for the 1:1 to stay for the extended time and that the extended time was "optional". Therefore, it was not part of the IEP. OCRA investigated the issue with the Office of Civil Rights as a discriminatory act by the school. OCRA represented R.J. at an IEP. The school agreed to the 1:1 aid for the entire day. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

Student Mainstreamed.

L.C. is a 5-year-old boy who was mainstreamed in his pre-school program. His parents were told that if they placed L.C. in a SDC, the school would mainstream him into the regular kindergarten class as soon as possible. L.C.'s parents called OCRA because four months had passed and L.C. had not been mainstreamed.

OCRA advised the parents to obtain letters from the pre-school, as well as the other specialists currently working with L.C. OCRA also spoke with the special education director for the district who agreed that L.C. was a good candidate for mainstreaming. L.C.'s parents then notified OCRA that L.C. had begun being mainstreamed several hours each day. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Student Receives New Behavioral Assessment Plan and 1:1 Aide.

I.R. is a student with severe cognitive and behavioral impairments. Although she had a current behavioral plan, I.R. was being sent home every day from school because her behaviors could not be managed in the classroom. I.R.'s mother had given up her employment because she had to pick her daughter up from school. Additionally, I.R.'s mother had repeatedly asked for a 1:1 aide but the district had not agreed to this.

OCRA attended a meeting with both the district and the county. The psychologist was also at the meeting. The psychologist said that the behavioral plan was working well. OCRA pointed out that I.R. had to leave school early every day due to her behaviors. The county asked for a new assessment and behavioral plan. The district agreed to provide a 1:1 aide. Additionally, I.R.'s mother was compensated for providing transportation for her daughter. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Student Receives Nursing Services and Transportation.

S.L. has significant physical and cognitive impairments. He has a G-tube, a tracheotomy, and needs to be continuously suctioned. The district continued to tell S.L.'s mother that they were searching for a nurse but could not locate one. S.L.'s mother was driving S.L. to school each day with her cousin because he needed to be suctioned during the ride. S.L.'s respite worker was going to school with S.L. to perform the suctioning and to monitor S.L.

OCRA arranged a meeting with the school district and the county. The district's attorney was present at the meeting. The district stated that it had located a nurse who was willing to provide services to S.L. and would also ride the bus with S.L. The district agreed to compensate S.L.'s mother for the transportation she had been providing. They also agreed to pay for the hours S.L.'s respite worker would accompany S.L. to school until the nurse could start. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

F.R. Gets Less Restrictive Placement.

F.R.'s mother contacted OCRA because she wanted her son in a full-inclusion program. At that time, F.R. was in a general education classroom for most of the school day and spent his last two hours in a SDC with children with more severe disabilities. Although it appeared that F.R. could successfully transition to a fully inclusive program, the special education teacher had developed a strong emotional attachment to F.R., which made the move more difficult. The Assistant CRA attended two IEP meetings which led to the development of a plan to slowly move F.R. from the SDC to full-time placement in the general education class. The plan included weekly meetings with the special education teacher and the general education teacher in order to address any problems that might arise from the

change in placement. The plan also included social skills training and close monitoring of academic progress. Finally, F.R.'s service coordinator became part of the IEP team where she now acts as F.R.'s primary advocate. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Negotiates Settlement with School District.

K.A.'s physician and a psychologist reported that K.A. becomes very upset when she is assessed for school. As a result, her mother offered to give the school district recent independent assessment results rather than allow the district to put K.A. through more testing. The district refused and insisted on new testing. OCRA attended an IEP meeting and negotiated an agreement. K.A.'s mother would allow K.A. to be tested for a maximum of two hours, with the district agreeing to follow OCRA's suggestions to be creative in the testing to avoid upsetting K.A. The district also agreed to use some of the independent assessments that the mother provided. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Early Start Child Obtains Appropriate Services.

I.A. is a 3-year-old diagnosed with autism. Under the Early Start Program, I.A. was receiving speech, OT, and an at-home floor time program. During I.A.'s first IEP, the school district offered a county placement and no related services. I.A.'s mother disagreed and requested an in-home ABA program along with OT and speech. The district refused and I.A.'s mother contacted OCRA for assistance. The CRA assisted the mother in drafting and filing a request for a due process hearing. OCRA further advised the mother to request that the regional center fund an ABA assessment. While awaiting mediation and hearing dates, the regional center funded the ABA assessment which recommended at-home ABA and also agreed to co-fund the program. During communications with the regional center, it offered to provide a special education advocate to represent I.A. at the mediation and hearing, which the mother accepted. The mother was given three options for preschool placement. I.A. will now be receiving speech and OT services. In addition, the district agreed to provide compensatory hours of 120 education hours, 28 speech sessions and 28 OT sessions. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

OCRA Prevails At Mediation.

T.L.P.'s mother requested a 1:1 aide so T.L.P., a 12 year-old, could participate in after-school activities, including school dances. The mother also believed that the district had failed to implement all of the recommendations from several independent assessments. When the district refused the mother's requests, she refused to sign the IEP and the district filed for hearing. OCRA agreed to represent at mediation, where the parties reached a settlement: The district agreed it would implement the independent assessment recommendations, notify the mother of after-school activities and provide T.L.P. with a 1:1 aide during school dances and other after-school activities. The district also agreed to modify several goals and to hold monthly meetings where the mother would be presented with progress reports. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

OCRA Gets M.K. an Aide on the Bus.

M.K., who finds it hard to travel and acts out when he does travel, was in danger of being suspended from the school bus. OCRA and the parents scheduled an IEP meeting, where everyone agreed on a plan for the bus. M.K. would get rewards for good behavior and would have an aide on the bus with him. Shortly after this meeting, M.K.'s parents called OCRA again to report that when the bus monitor was not on the bus, M.K. would ride alone, making it likely that he would act out again. OCRA called the principal and explained that consistency was necessary for M.K. to progress on his behavior plan and that the school was not doing what the IEP required. A few weeks later, M.K.'s parents reported that a bus monitor was being provided daily as the IEP required. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Helps Keep Client in School.

E.H., a 17-year-old, was involved in a shoving incident with a teacher. The school held an emergency IEP even though the Spanish-speaking family had told the school it could not attend at the time scheduled. OCRA agreed to represent and the school held another IEP. At the IEP, it was agreed that E.H. would remain at the same school with the same services, which include individual therapy, medication monitoring, case management, group therapy and someone to ride the bus with E.H. The district also agreed not to call

the parents to pick up E.H. when he acts out, to reimburse the family for mileage for transporting E.H. from school and to do a behavior assessment and a behavior plan. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

Student Rides Safely on the Bus Again.

C.R. was sexually molested by a student who rides the same school bus. The school district assigned C.R. a bus monitor and, although C.R.'s parents were to be notified if the monitor would not be on the bus for any reason, there were a few occasions where the parents were not notified. When the parents learned of the monitor's absences, they called OCRA, who attended an IEP meeting with C.R.'s parents. A new plan was developed that if C.R.'s monitor could not be on the bus, the bus would re-route and take C.R. to school before the other child was picked up. Bernadette Bautista, CRA, Wendy Dumlao, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Assists With Filing Compliance Complaint.

C.L.'s parents contacted OCRA for assistance preparing for an IEP meeting. OCRA reviewed the facts of the case including the school district's OT logs which indicated the school's failure to provide OT services as agreed in the IEP. OCRA advised C.L.'s parents on drafting a compliance complaint for the California Department of Education (CDE.) and provided information on requesting services and supports that C.L. needs at the up-coming IEP meeting. Emma Hambright, CRA, Lanterman Regional Center.

District Agrees to Provide Alternative School Transportation.

A.V. is an 11-year old student with autism who rode the school bus two hours every morning to his placement in a county classroom. Parents of A.V. wanted him to remain in his placement. However, they requested a new bus route because the long commute was causing A.V. to be irritable, fatigued and further disrupting his ability to concentrate in the classroom. The parents had requested a change in transportation at previous IEPs, but the school district denied these requests. OCRA agreed to represent the parents at the IEP and send a letter explaining that the commute was denying A.V. a free and appropriate education. The long commute exacerbated many of the deficits related to A.V.'s diagnosis of autism and prevented A.V. from

making further progress towards his socialization, communication and academic goals. At the IEP, the school district agreed to provide a second bus that would pick up A.V. over ninety-minutes later. A.V.'s bus ride was shortened from over two hours to less than forty-five minutes. The parents reported that A.V.'s behaviors and progress at school have improved. Tim Poe, CRA, Kern Regional Center.

Parents File Education Compliance Complaint.

J.H. attends pre-school in a SDC. J. H.'s parent identified ongoing concerns that were affecting J.H. at school including the need for appropriate behavioral support. The IEP team had agreed to a speech and language "screening" with results to be completed by November 15, 2007, an Adaptive P.E. "screening" was to be conducted with results by October 12, 2007, and a behavior support plan was to be developed and implemented by November 8, 2007, when a follow-up IEP was to be held.

OCRA staff requested and reviewed educational records for J.H. and represented him at an IEP meeting on January 30, 2008. During the meeting, a request for a behavioral assessment was made. The IEP team agreed to the assessment and a consent form was signed. In addition, the IEP team agreed to an occupational therapy/sensory integration assessment. An assessment consent form was to be provided to the parent within 15 days. J.H. would also receive 1:1 assistance in the classroom and on the bus. The district failed to meet the timelines for the agreements made at both the November, 2007. and the January, 2008, IEPs. With technical assistance provided by OCRA staff, J.H.'s parent filed a compliance complaint with the CDE. A compliance investigation was opened by CDE on behalf of J.H. confirming each allegation of non-compliance identified by the parent. The school district has arranged to meet with the parent and OCRA staff to resolve all complaint issues and consider a more appropriate placement for J.H. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

C.C. Returns to School.

C.C. a 6-year-old in foster care, moved to a new group home in a new school district. C.C. was denied admission to the new school district because his last IEP placed him in a non-public school and the new district claimed it did not have to serve him because 1) the county welfare department had not

verified that there was an existing program for him in the district prior to his placement, 2) the district did not have any non-public schools in the area. The new district also alleged that it did not have to place C.C. because his child welfare social worker did not inform the new district prior to C.C.'s move. OCRA was contacted by the regional center to assist. OCRA agreed to write a letter to the new school district and advocate on C.C.'s behalf to have him placed in a public school program. After much negotiation, including discussion of joining the district in the juvenile court proceedings, the new district agreed to place C.C. in a home hospital program, then in a partial day in his neighborhood public school SDC, and finally accepted responsibility for him as a district student and held an IEP to formalize his full-day placement in the SDC. The new district also initiated C.C.'s triennial assessment. Margie Oppel, Temporary CRA, Katherine Mottarella, CRA, Tri-Counties Regional Center.

Preschooler Gets Assessment and Behavior Plan.

R.M. has autism. He started preschool in late August, and the regional center promptly sought an assessment by a SELPA expert. More than six months later, the assessment had not been administered. R.M. was being physically restrained at school by untrained personnel. He was isolated on the playground. He returned home from school each day with his diaper not having been changed. He was learning few, if any, words. Aides were arguing about whose turn it was to work with him. R.M.'s parents pulled him out of school and the regional center referred the parents to OCRA.

OCRA contacted attorneys for the school district. R.M. was assessed by an expert in autism. A behavior plan is being developed and R.M. is back in school. Jim Stoepler, CRA, Redwood Coast Regional Center, Eureka.

OUTREACH AND TRAINING

OCRA Conducts a Series of Trainings on IHSS.

OCRA was contacted by the Koch-Young Family Resource Center to provide IHSS trainings to the regional center's Spanish-speaking support groups. During this quarter, staff provided the IHSS trainings for the group De Mi Familiar A Su Familiar, and an IHSS training for the Early Intervention Spanish-speaking support group. Two additional trainings were

scheduled to take place over the next quarter to address parental concerns about up-coming budget changes which may impact the provision of IHSS services. Emma Hambright, CRA, Lanterman Regional Center.

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