

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

Summer 2008

BENEFITS

Nine-Year-Old Wins Protective Supervision.

T.F.'s mother already provides close supervision since T.F. has had several accidents when the mother has been in another room. In addition to T.F.'s lack of safety awareness and poor judgment, he is also nonverbal, so if he did have an accident he is not able to tell his mother or an emergency worker what happened.

T.F. was already receiving 27 hours of personal care service hours through In-Home Support Services (IHSS), which was provided by T.F.'s aunt, but his mother could not work because she needed to care for T.F. at home. T.F.'s mother requested a re-evaluation so the county could assess T.F. for protective supervision. The county declined to conduct a re-evaluation and, instead conducted an annual evaluation two months after her request. Following this evaluation, the county denied protective supervision.

OCRA filed for hearing on behalf of T.F. and the county appeals specialist agreed that T.F. met the criteria for protective supervision. However, she could not get the supervisor at the local office to grant T.F. protective supervision so OCRA had to proceed to hearing. At the hearing, the county appeals specialist and the social worker stipulated that T.F. was entitled to protective supervision in the amount of 195 hours per month. The amount will be retroactive and the provider will change to T.F.'s mother. They will receive \$10,530 in retroactive benefit award from the time they first requested protective supervision. Katie Meyer, CRA, Westside Regional Center.

D.W. Found Eligible for SSI after Three Years.

D.W. received Supplemental Security Income (SSI) for many years as a minor. Upon turning 18, D.W. was found no longer eligible for benefits. At

that time, he was placed in an adult residential facility and he did not have any support to assist him with appealing the denial. D.W.'s Independent Living Skills (ILS) worker assisted D.W. with reapplying for SSI. D.W.'s ILS worker contacted OCRA for assistance with the application process for the SSI benefits. The CRA obtained an independent assessment for D.W. The assessment results supported D.W.'s eligibility for SSI benefits. The CRA submitted the independent evaluation on behalf of D.W. and he was found eligible for SSI dating back to August, 2007. Aimee Delgado, CRA, Marisol Cruz, Assistant CRA, San Gabriel/Pomona Regional Center.

Additional IHSS Hours Obtained.

D.J. is a teenager with multiple disabilities who needs a significant amount of IHSS in order to remain safely in his home. At a recent annual review, the county did not increase the amount of hours, which remained at 83.6 hours per month with no protective supervision, despite the fact that D.J. has needed this supervision for several years.

D.J.'s mother consulted with OCRA and decided to appeal the amount of hours and the denial of protective supervision. A conditional withdrawal was agreed upon with the county, and a reassessment was scheduled. The Assistant CRA was present at the reassessment by the county worker and staff nurse. The Assistant CRA gave the IHSS staff a walking tour of DJ's home, together with an explanation of what behaviors occur in each room as well as what the needs are in each room of the house. The nurse was persuaded by the detailed explanations.

IHSS staff issued a Notice of Action adding protective supervision and bringing the total monthly hours to 278.6, retroactive to December, 2007. The mother was advised that she could appeal, and most likely prevail, for the 4.4 hours that would bring her to the maximum of 283. The mother decided not to appeal and is satisfied with the monthly hours D.J. is now receiving. Katie Hornberger, CRA, Harbor Regional Center, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Gets Retroactive IHSS for Client.

B.L.'s mother contacted OCRA for assistance in obtaining IHSS hours. The mother disagreed with the county's initial determination and filed for hearing disputing the determination of hours and the denial of protective

supervision. The County's Appeal Unit determined that it would be appropriate to re-assess B.L.'s needs for services including protective supervision. After re-assessment, B.L. was approved for 195 hours per month, including protective supervision, but the county refused to authorize these hours retroactive to the date of application. The CRA contacted the county in an attempt to resolve this matter, but the county refused to pay retroactive benefits stating that B.L. was not eligible for protective supervision effective the date of application. The CRA represented B.L. at hearing and argued that B.L.'s condition and need for hours were the same at the time of initial assessment as they were at re-assessment and that the county had failed to adequately assess B.L. at the initial assessment. The Administrative Law Judge (ALJ) ruled from the bench and agreed that B.L.'s condition had not changed or worsened during the six months between assessments. In addition, the ALJ discussed the conditional withdrawal in which the county agreed to preserve the initial application date, and make any increase in hours effective the date of application. B.L.'s mother, who is the IHSS provider, received a retroactive payment of \$9,500. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

IHSS Service Reduction Successfully Appealed.

B.A. is an 11-year-old consumer whose IHSS services were reduced from the maximum of 283 hours per month to 259 hours. Also, protective supervision even though no change had occurred justifying the reduction. OCRA agreed to represent B.A. and submitted a state hearing request on her behalf contesting both the reduction and improper notice.

OCRA wrote to the county appeals representative requesting that the case be reviewed, benefits reinstated, and proper notice issued so the consumer could appeal in order to have aid remain unchanged pending the hearing. The county responded by issuing a new notice, restoring lost payment for services, and agreeing that the reduction was in error. Doug Harris, CRA, Redwood Coast Regional Center.

L.B. Keeps IHSS after Being Accused of Fraud.

L.B. lives in her own apartment and receives ILS. L.B.'s ILS worker helped her apply for IHSS. When L.B. applied for IHSS, she only told them that she was blind. Neither L.B., nor her ILS worker, told IHSS that L.B. had

developmentally disabilities. The county investigated L.B.'s ILS worker because the worker was working more than 300 hours per month for various clients. During this investigation, a county investigator observed L.B. walking up and down stairs, using the laundromat and walking to the bus stop with no assistance. When L.B. was questioned by the investigator, she appeared to be evasive and she refused to answer questions.

IHSS issued a Notice of Action reducing L.B.'s hours to zero and stating that L.B. had no need for services. The matter was also referred to the District Attorney to investigate the alleged fraud. L.B. asked OCRA for help in keeping her IHSS so that she could safely remain in her own home.

OCRA investigated the matter and represented L.B. at hearing. The ALJ found that L.B. has poor judgment and diminished ability to care for herself, clean her home, cook or shop, and had been taken advantage of by her ILS worker. The ALJ ordered that L.B. keep her IHSS. Jackie Coleman, CRA, Jacqueline Gallegos, Assistant CRA, Alta California Regional Center.

J.C. Finally Obtains SSI Benefits.

J.C. is a regional center consumer who applied for SSI benefits in March, 2007. The Social Security Administration (SSA) informed J.C. that he was approved but needed to have a representative payee. J.C.'s mother told SSA that she would not be able to do the job and requested that the regional center become representative payee. In October, 2007, J.C. received an SSA Notice of Disapproved Claims indicating that he was not eligible for benefits because SSA had not received information it requested. OCRA advised J.C. to file a Request for Reconsideration. In April, 2008, J.C. received a notice from SSA indicating that his Request for Reconsideration was being denied because the regional center had not provided SSA with the information it requested. OCRA agreed to file a Request for Hearing on J.C.'s behalf. After filing the hearing request, OCRA contacted the SSA District Manager. He looked into the matter and notified OCRA that SSA had now received all of the information requested. It will be issuing J.C.'s SSI. Katherine Mottarella, CRA, Gina Gheno, Assistant CRA, Margie Oppel, Volunteer CRA, Tri-Counties Regional Center.

CONSUMER FINANCES

Creditor Relief.

W.S. is an adult with mild mental retardation who lives independently. Some months ago, W.S. purchased an “as is” used car. Shortly thereafter, breakdowns and repair problems began. With the help of her ILS worker, W.S. first tried to go back to the seller for relief, only to find out that he had gone out of business. The vehicle became non-operational, and the estimated cost of repair exceeded the vehicle’s value, so W.S. stopped payment on a check written for an insurance renewal.

When W.S. received a demand letter from the finance company for the payments that were due, W.S. came to OCRA for help. OCRA sent a rescission of contract letter to the finance company alleging fraud, misrepresentation, and failure of consideration, and offered to return the defective car. Issues of meaningful capacity to contract were also raised. A Fair Debt Collection Practices notice was given prohibiting further contact by the finance company, other than to collect (repossess) the car. Thereafter, the vehicle was reclaimed and the problem was resolved.

Subsequently, a demand letter or “bad check” letter was received by W.S. regarding the stopped payment insurance check. OCRA sent out another Fair Debt Collection Practices notice regarding the “bad check,” in addition to raising defenses to alleged liability and civil penalties. Both the finance company and the check collection agency have ceased collection from W.S. Andy Holcombe, CRA, Lorie Atamian, Assistant CRA, Far Northern Regional Center.

CRIMINAL LAW

Judge Waives Jaywalking Ticket.

C.S.’s care provider called OCRA on C.S.’s behalf and reported that C.S. received a ticket for jaywalking. OCRA wrote a letter to the Superior Court Presiding Judge and requested a diversion program. As a result, the Presiding Judge assigned the regional center to provide training on street signs and traffic law and dismissed the ticket. Wendy Dumlao, CRA, Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Consumer Gets Some Immediate Peace of Mind.

G.R. received a citation to appear in court. There were two Penal Code sections cited. G.R. has no prior record but was quite worried that he might go to jail. OCRA carefully outlined the arraignment process, the importance of G.R.'s lack of a criminal record, prosecutorial discretion, diversion, and the right to counsel and the appointment of counsel. G.R. was grateful and relieved. OCRA then met with the regional center services coordinator who offered to write a letter to the court on G.R.'s behalf. Jim Stoepler, CRA, Redwood Coast, Eureka.

HOUSING

Section 8 Voucher Renewed One Year After Expiration.

R.S. is a 54-year-old man with cognitive, mobility, and visual impairments. He moved from one regional center catchment area immediately after receiving his Section 8 voucher. The voucher was transferred to the new county. The regional center hired a vendorized housing agency to assist R.S. to find suitable housing.

R.S. then had an accident and was in the hospital and a rehabilitation facility for several months. During that time, the housing advocate stopped looking for housing. When R.S. was ready to be released from the rehabilitation facility, his sister called OCRA because his voucher had expired months earlier.

OCRA collected all of the documentation, including a declaration from the housing advocate outlining what had happened. OCRA assisted R.S. and his sister in contacting their congressional representative and spoke to the benefits specialist who then arranged a meeting with Public Housing. Public Housing agreed to reinstate the voucher in order to allow R.S. to seek accessible housing. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Family Keeps 3-Bedroom Apartment.

T.M. is 15, has autism and lives with his mother and 3-year-old sister. T.M.'s 18-year-old sister moved out of the apartment and Section 8 Housing

determined that the family was no longer entitled to a voucher for a 3-bedroom home. T.M.'s mother requested that the family keep its 3-bedroom unit as a reasonable accommodation. Because of his disability, T.M. needs his own bedroom. Section 8 denied the request and said that T.M.'s mother could share a bedroom with her daughter or sleep in the living room. T.M.'s mother requested assistance from OCRA.

OCRA provided technical assistance and researched the subsidy standards for Section 8 Housing in Sacramento County, which state that heads of households are to be assigned their own bedroom. T.M.'s mother presented this information to Section 8 and it then was determined that the family could keep its 3-bedroom apartment. Jackie Coleman, CRA, Elizabeth Kennedy, Temporary Assistant CRA, Alta California Regional Center.

PERSONAL AUTONOMY

Consumer Moves from Developmental Center to Community.

C.C. is a young man who had been residing at Porterville Developmental Center (PDC) for seven years. OCRA worked with C.C.'s mother to have C.C. re-evaluated and to have the Public Defender and the regional center work toward his return to the community. During the last year of C.C.'s stay at PDC, he began to be physically victimized by other residents. He was placed in a room close to the staff station but OCRA and the mother felt that C.C. was still in danger.

OCRA continued to facilitate conference calls between PDC, C.C.'s mother, and the regional center. OCRA continued to advocate for community placement and checked routinely on the progress every week to see that the regional center had sent out packets and was actively seeking community placement.

C.C. recently moved to a new group home in the community. The residence has trained staff and a high staff to resident ratio, which will offer C.C. the level of support he needs. The home is near his family home. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

Gym Allows Family to Continue Membership.

P.B. is an 11-year-old with autism. He lives with his grandparents who are also his legal guardians. P.B. and his grandparents have a family membership at the local sports club. When it came time to renew its gym membership, the family was told by the gym owner that the family would no longer be accepted as members. Other members had been complaining about P.B.'s behavior in the pool and locker room. The gym owner said that people had stopped taking the aerobics class because of P.B.'s behavior and the gym owners were afraid of losing members because of P.B.

P.B.'s family contacted OCRA for assistance. The Assistant CRA contacted the gym owners who claimed that P.B. had no impulse control and was not being adequately supervised by his grandmother, who was not allowed in the men's locker room. The Assistant CRA negotiated with the gym owner to allow a male ILS worker to accompany P.B. to the gym and more closely supervise him. P.B.'s gym membership was reinstated. Lorie Atamian, Assistant CRA, Far Northern Regional Center.

D.C. Allowed to See Dying Father in Hospital.

D.C. has mental retardation and cerebral palsy. D.C. was removed from the family home by the county and conserved. D.C.'s father was in the hospital dying from cancer. D.C.'s father requested to see his daughter. The public guardian refused to take D.C. to the hospital because they "did not want to deal with her crying." OCRA informed the public guardian that they were violating D.C.'s rights and had to let her see her father. The public guardian let D.C. go to the hospital to see her father. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

Signature Validated to Qualify for IRS Stimulus Payment.

Based on his Social Security income, J.P. qualified for the IRS Stimulus package for the 2007 tax year. However, due to J.P.'s severe developmental delays, his IPP team questioned whether J.P. could legally sign or consent on the IRS 1040 form necessary to file to receive the stimulus payment. OCRA determined that since J.P. is not conserved and no judge has ordered him incompetent, J.P. is presumed to be mentally competent under California law. Moreover, since he could mark an "X", his signature would be valid

with two witnesses under the California Civil Code. OCRA assisted the consumer in filing the necessary 1040 forms and confirmed that two witnesses observed the marking in accordance with the law. J.P. successfully filed the form and received his stimulus payment. OCRA directly assisted four other consumers in this signature process for the purpose of obtaining their IRS stimulus payment. Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

REGIONAL CENTER

Regional Center Agrees to “Stay Put.”

C.S. is a 2-year-old with moderate speech delays and apraxia. She was receiving speech services through the regional center as part of her early intervention services for a period of six months. A recently submitted assessment from the speech service provider, however, showed that C.S. had been making significant gains. Based on this assessment, the regional center determined that C.S. was no longer eligible for services. C.S.’s family contacted OCRA.

OCRA assisted the family in filing an appeal to challenge the denial of early intervention services and requesting a “Stay-Put” on the speech services. The regional center agreed to the “Stay-Put.” Before the informal meeting, the family was contacted and informed that the regional center would extend C.S.’s eligibility for early intervention services and the speech until her third birthday. Katy Lusson, CRA, Amanda St. James, Assistant CRA, Golden Gate Regional Center.

OCRA Secures Client’s Right to a Fair Hearing.

A.B. requested a hearing to contest the decrease of the rate of his 1:1 support person at his group home. The regional center filed a motion to dismiss stating that the Office of Administrative Hearings (OAH) was not the proper forum for the case to be heard. The regional center argued the rate reduction was not a denial from the perspective of the client, but a vendor rate issue which could be addressed as an “administrative grievance” between the vendor and the regional center.

OCRA successfully argued the claim could appropriately be heard by OAH since the result of the rate decrease could force A.B. to move to a more restrictive environment. The ALJ ruled in favor of A.B., stating that if the matter was not heard at a fair hearing, it would “narrow the scope of consumer appeals authorized by statute.” Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

OCRA Secures Necessary Services for Early Start Child.

J.G.’s mother, who is a monolingual Spanish-speaker, contacted OCRA and reported that the regional center was not providing services prescribed by J.G.’s doctor. J.G. was to receive eight hours of LVN nursing per day and physical and occupational therapy. J.G.’s parent reported that prior to J.G.’s discharge from the hospital, the service coordinator had promised to have the nursing in place. The nursing services were never initiated. The CRA was also informed that physical therapy still had not been provided even though the regional center had authorized the service. J.G.’s parent requested that the physical therapy be provided in the home since transporting the child was difficult. The parent also requested that she retain the 85 hours of respite she was receiving from the regional center.

OCRA contacted the regional center supervisor to discuss the services requested by the parent. OCRA's involvement included communicating the parent's wishes to the regional center supervisor as well as numerous conference calls between the parent, OCRA and regional center representatives. Ultimately, the regional center agreed to implement the recommendations made by J.G.’s physician. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

ILS for Teenager Living at Home.

L.T. is a 14-year-old boy who lives with his parents and attends a special day high school class. His mother has terminal cancer and has been quite concerned because L.T. does not have any independent living skills. OCRA asked the regional center to provide L.T. with an ILS trainer while his mother was still alive. OCRA argued that although L.T. was still a teenager and not yet ready to move into his own living space, he would be living in a changed environment without his mother and would need ILS skills in order to successfully remain at home. The regional center found that there was no age limit on ILS training and approved the service for L.T.,

beginning immediately. Katy Lusson, CRA, Amanda St. James, Assistant ACRA, Golden Gate Regional Center.

SPECIAL EDUCATION

Police Use Handcuffs – District Found Out of Compliance.

G.M. is a sixth grade middle school special education student with autism. G.M. was in his P.E. class doing sit-ups and singing while exercising. His teacher told him to leave class. G.M. kept asking why and refused to leave. A campus police officer was summoned to the classroom to assist the teacher in getting G.M. to leave. The officer asked G.M. to leave class and G.M. refused. The officer handcuffed G.M. in front of his class and escorted him to the office.

OCRA filed a compliance complaint alleging failure of the district to implement G.M.'s behavior plan, illegal use of discipline measures which cause pain or trauma, and illegal use of excessive force. After investigation, the California Department of Education (CDE) found the district out of compliance on all allegations and directed the district to convene an IEP meeting, offer compensatory services to address the loss of educational benefit during the two-day suspension of G.M., document the offer in the IEP, and send a copy of the IEP to CDE. Additionally, the district was told to submit evidence that it conducted an in-service training on behavioral interventions. Rita Defilippis, CRA, San Andreas Regional Center.

Student Receives Transportation Services from School.

C.T. is a 4-year-old boy with autism who attends a district pre-school special education program. C.T. and his family live in a small district that does not have a contract for a school bus. C.T. was being driven to school by his parents but they both changed jobs and could no longer transport C.T. The district claimed that C.T. did not need transportation because of his disability, but for parental convenience.

The parents called OCRA and asked for assistance. OCRA called the district and began negotiations with the district through its attorney. The district agreed to pay for C.T.'s private tutor to drive C.T. to school for the rest of the school year.

Next, there was a meeting about summer session and the following school year. OCRA alleged that the district had a policy of not transporting special education students unless the student either lived out of district or had mobility problems. The district denied the allegations and said that if a child needed the service due to his disability, the district found alternative means of transportation for the family (taxi services, reimbursement). Although the district claimed that C.T. did not need the service due to his disability, the district agreed to pay for C.T.'s transportation as a showing of good faith.

C.T.'s family will transport him in the morning and will arrange to have someone else transport him in the afternoon. Alternate arrangements were agreed to if the parents could not transport C.T. The district finally agreed that transportation is a related service required by law. Katy Lusson, CRA, Golden Gate Regional Center.

Appropriate School Services Needed.

J.Z. was receiving Early Start services due to his developmental delays and medical conditions. Due to J.Z.'s surgery, his Individualized Education Plan (IEP) with the school district had to be rescheduled to a date after his third birthday. The school district conducted its assessments, then contacted J.Z.'s mother to let her know that the district would only be offering J.Z. speech therapy, and not the other services which J.Z. was currently receiving from the regional center. The regional center had informed Mrs. Z. that J.Z.'s therapies would be discontinued at the end of the month, even though his IEP was not scheduled until the beginning of the next month.

Mrs. Z. contacted OCRA for assistance in obtaining continued services for J.Z. She was concerned that if J.Z.'s services were discontinued, he would regress as well as lose his placement with the providers, as there were long wait lists. OCRA informed Mrs. Z. about J.Z.'s rights and the regional center's responsibility to ensure that there is service continuity. Mrs. Z.'s requests for continuation of the services were then denied twice by the service coordinator. OCRA advised Mrs. Z. about how to make her written request. Upon contacting the Service Coordinator the third time, the regional center agreed to continue services. J.Z. will now continue to receive services for an additional six months, while Mrs. Z. handles the issues with the school district. Debby Doitch, Interim CRA, Guadalupe Marquez, Assistant CRA, Lanterman Regional Center.

I.M. Receives Appropriate Placement.

I.M. is a regional center consumer with developmental disabilities who is deaf and has cerebral palsy. His current junior high school placement was not able to provide an appropriate program. I.M. was denied admission to the California School for the Deaf in Riverside because it could not accommodate his needs. The local school district told I.M. there were no other public school options available to him. OCRA agreed to represent I.M. at his IEP. meetings to assist him in finding an appropriate educational program. After researching the public school options available and working with the SELPA Director, I.M. and his mother agreed to visit a public school program about 60 miles from his home that had a hard of hearing program.. An IEP. meeting was subsequently held placing I.M. in this placement for this fall. Katherine Mottarella, CRA, Gina Gheno, Assistant CRA, Margie Oppel, Volunteer CRA, Tri-Counties Regional Center.

Alternate Dispute Resolution Resolves Matter.

R.P. has been attending a fully inclusive setting but her father has recently been concerned about her struggles with the 4th grade material. R.B. has headaches and doctors have not been able to determine the cause. Her father has attended recent IEPs asking that the district provide a 1:1 aide for part of the day and provide accommodations for testing. These requests, as well as others, were denied. At her father's request, the CRA attended a follow up Alternate Dispute Resolution meeting to discuss the requests. The district was receptive and agreed to provide an "independent facilitator" (a 1:1 aide) for the part of the day that was most difficult for R.P. She was also given an increase in speech services and the district agreed to provide accommodations for testing. The district also agreed that the school nurse would cooperate with R.P.'s doctor in attempting to determine the cause of R.P.'s headaches. Matthew M. Pope, CRA, Eastern Los Angeles Regional Center.

Compensatory Education after Age 22.

R.M. had been receiving the services of a full time one-to-one aide who was proficient in American Sign Language (ASL). However, in February, 2008, the aide was no longer working with R.M, though the IEP required it. His mother was concerned that, because R.M. was turning 22 and would be out

of special education in September, 2008, any compensatory time would be terminated at the age of 22. R.M.'s mother requested that the CRA assist her in researching the law on this matter. The CRA researched the law and obtained a recent OAH decision that provided compensatory time after the special education student turned 22. R.M.'s mother used the law and advice from the CRA to obtain the compensatory time and have special education provided for a few months after R.M. turned 22. Matthew M. Pope, CRA, Eastern Los Angeles Regional Center.

OCRA Representation Leads to Additional Services and Supports at School and Home.

J.H. is a 5-year-old with autism and limited expressive language development. His parents were referred to OCRA for assistance by J.H.'s service coordinator.

OCRA staff represented J.H. at several IEPs. J.H. received a functional behavior assessment, speech and language assessment, and a sensory integration assessment. J.H. had not been assessed nor did he receive designated instructional services prior to OCRA intervention. He now has a comprehensive behavior support plan in place, with data collection required and bi-weekly monitoring by a district psychologist. J.H. has a temporary support assistant during school hours. His support assistant receives behavior training through a non-public agency to help him work with J.H. J.H. receives 1:1 speech services twice a week and group speech once a week for 30 minutes.

OCRA staff also represented J.H. at his annual IPP with the regional center. J.H. was assessed for in-home behavior services. He and his parents have begun to receive in-home behavior training. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

OCRA Representation Provides Much Needed Change of Placement and Overdue Assessments.

J.W. is an 11-year-old girl with autism and moderate-severe intellectual disabilities. J.W. attends school with a special day class (SDC) placement.

OCRA represented J.W. at IEP meetings because of the school's failure to provide adequate assessments and educational services. OCRA requested assessments in several areas. The assessment reports were reviewed in all educational areas and specific academic, self-help, and behavior goals were established for J.W. His parent made a request for a non-public school placement for J.W. and the district denied the request. However, at subsequent meetings, with the education needs of J.W. now documented, the district was unable to identify an appropriate placement to meet J.W.'s needs. During a June, 2008, IEP meeting, the IEP team agreed to return J.W. to the local district for placement, as J.W. had been in a county placement. The local district could not identify a placement and offered a non-public school with expertise in applied behavior analysis and discrete trail training teaching methodology for J.W. J.W. has new goals to support progress in cognitive level academics, communication, and self-help. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

School District Creates New Program for G.C.

G.C. has a history of behaviors at school that have resulted in a number of suspensions and a referral for expulsion. His parent agreed to an alternative placement in a continuation high school adjoining juvenile hall. G.C. was beginning to follow the behaviors of other students in the program and was being suspended from the high school. He was not making educational progress. The special education services at this site were inadequate and G.C.'s current IEP was not being implemented. At this point, the client's mother called OCRA for assistance.

OCRA represented G.C. at an emergency IEP meeting. The school district agreed to a new assessment and intensive services during the assessment period. G.C. had a modified school week and school day and received 1:1 instruction from the resource specialist for the entire day. G.C. began to enjoy school and to make academic progress. The IEP team met to review the new assessment and to consider placement. OCRA represented at the IEP. The district offered a new SDC that is being created for G.C. and other students with behaviors who require both special education services and an alternative placement in a protected setting. Arthur Lipscomb, CRA, Ernestine Moreno, Assistant CRA, Kay Spencer, Assistant CRA, Central Valley Regional Center.

S.B. Gets Curb to Curb Transportation.

S.B. is a young girl who has cerebral palsy. S.B.'s mother called OCRA because S.B.'s current IEP provided "curb to curb" transportation with an air conditioned vehicle, due to S.B.'s physical disability and severe asthma. However, the school district failed to provide the transportation. OCRA attended an IEP and argued that the district's excuse that it "could not find the transportation" was not acceptable. As a result, the school district contracted with another district to provide the required transportation. Wendy Dumlao, CRA, Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

D.K. Gets a Qualified ASL Teacher.

D.K. is a young man who has cerebral palsy and auditory issues. D.K.'s mother called because D.K. was not making progress in the ASL goals in his IEP. OCRA discovered that the classroom aide who was assigned to work on the ASL goals was improperly trained. OCRA attended an IEP and explained the issue to the school district. As a result, the school district agreed to properly train the aide. Wendy Dumlao, CRA., Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OCRA Prevents NPS Placement.

U.V. is 14-year-old middle school special education student. He had been fully included in regular classes for many years. The district filed for due process to force U.V. into a SDC due to low academic performance. U.V. did well for six months in the new placement. Because the district felt that U.V. was too dependent on his aide of five years, a new aide was assigned. U.V. began acting out with serious behaviors, including inappropriate sexual behaviors, physical aggression, and emotional outbursts. U.V. was repeatedly suspended.

OCRA was contacted and requested a behavioral assessment and plan. Before it could be implemented, the district placed U.V. on home instruction and only offered a non-public school (NPS) for students with mental health challenges. OCRA prepared a request for due process and mediation for failure of the district to implement the behavior plan in the current setting.

OCRA negotiated with the district's attorney over several days. The district settled before filing. They offered placement in a SDC with a 1:1 aide and implementation of the behavior plan by a trained behaviorist. The district also agreed to fund an evaluation to determine appropriate educational supports and services. The family accepted the settlement proposals in their entirety. Rita Defilippis, CRA, San Andreas Regional Center.

Behavior Intervention Techniques Are Altered To Be Less Invasive.

M.H. is a 5th grade student who often became frustrated due to her inability to adequately communicate her needs. Her frustration often led to aggressive behaviors in the classroom and on the school bus. As a result, prone restraint methods were being used with her at least twice each week in class, and she was strapped into a restrictive and uncomfortable harness to ride the school bus every day.

Although the district maintained that its interventions were reducing the number of M.H.'s aggressive incidents, OCRA's review of the records revealed that target behaviors had been increasing. The Associate CRA advocated at a total of three IEP meetings. These advocacy efforts resulted in increased intervention from the district's behaviorist from one hour per month to one hour per week, increased speech therapy services from two to four sessions weekly, discontinued use of the school bus harness, which was replaced by a combination of bus driver training, preferential seating, and, when necessary, the use of a safety device known as a "buckle guard," an agreement to immediately stop the use of prone restraint, and to use (for emergencies only) a less invasive technique known as "C.I.P.," which allows the student to remain in a seated position, with no risk of asphyxiation. Celeste Palmer, Associate CRA, Regional Center of the East Bay.

Full Inclusion for First Grade Student.

M.G. was placed in a SDC class and mainstreamed very successfully in regular kindergarten for 3 days a week for one hour. The parents contacted OCRA because they wanted their son fully included with supports and services next year and retained in kindergarten because he is at kindergarten level in his social skills.

OCRA attended two IEP meetings. At the first meeting, OCRA communicated the parents' desired placement to the team. The team did not

recommend retention due to M.G.'s average academic skills. OCRA suggested that M.G. be mainstreamed every day for 1.5 hours a day, the same time every day until the next meeting. The team agreed.

At the second IEP meeting, due to the success of M.G. and in the spirit of compromise, the district agreed to a K-1 combination class for M.G. with an experienced teacher, a 1:1 aide trained in applied behavior analysis techniques, and a social skills class after school. This setting allows M.G. to socialize with 10 kinders in the morning and 10 first graders in the afternoon. This gives him both the social skill practice he needs and the academic and more challenging work in the afternoon in a small, more structured setting. Rita Defilippis, CRA, San Andreas Regional Center.

Compensatory Speech Therapy Services Provided.

D.B. had not received speech services in accordance with his IEP for the past three months. The district's last speech therapist resigned and the district failed to hire another speech therapist to provide speech services. Despite D.B.'s parents' advocacy and advocacy from the regional center case manager, the district had not hired a new speech therapist to provide necessary speech therapy each week.

OCRA assisted the case manager by writing a confirming letter stating the parents concerns and suggested compensatory services would be necessary when a new speech therapist was hired. The district confirmed within days that it had hired a speech therapist and D.B. started receiving speech services. The district also agreed to provide speech services through the extended school year. Leinani Neves, CRA, Valley Mountain Regional Center.

Child Receives Special Education Services and Compensatory Hours.

A.C. moved into a new district but the district told A.C.'s mother to keep driving him to the old school in the former district because the new district did not have a place for him. The former school only had substitute teachers available and A.C. had started acting out due to the lack of a steady teacher. OCRA helped A.C.'s mother file a compliance complaint against both districts. A.C. will receive 34 compensatory hours of tutoring from the old district for its not having a teacher in class. A.C. also started attending school in his own district while it completed its own assessments for

placement and services. After doing its evaluations, the new district wanted to reduce A.C.'s services.

OCRA represented A.C. at two IEP meetings. At one meeting, the occupational therapy (OT) report suggested a reduction of OT services, but after discussion and advocacy, the team agreed to leave the hours the same. The speech therapist proposed not only a reduction of hours but also for speech to be provided in group only. After discussion and advocacy, the team agreed to keep the individual therapy time but reduced the group therapy time. A.C. will also receive APE, behavior intervention, and placement in a SDC with an aide. Luisa Delgadillo, Assistant CRA, Westside Regional Center.

OUTREACH AND TRAINING

Celebración de Familias Excepcionales – Spanish Language Conference in the San Joaquin Valley

In Kern County, OCRA assisted with planning the second annual Celebración de Familias Excepcionales, a Spanish language conference modeled after the Los Angeles Fiesta Educativa, held on May 10, 2008, at the Holiday Inn in Bakersfield, CA. Over 320 people attended the conference from all over the San Joaquin Valley. Counties represented included Kern, Inyo, Mono, Tulare, Kings, Fresno, Monterey, San Benito, Madera, Merced, Mariposa and Stanislaus. Kern Regional Center and Central Valley Regional Center collaborated along with other agencies in sponsoring and planning the very successful conference.

The first keynote speaker was Clinical Neuropsychologist, Dr. Jose Fuentes who has previously been keynote speaker for Fiesta Educativa. He frequently serves in a consulting capacity to various school districts, educational systems, and agencies in order to enhance educational benefit as well as the level of educational support required for students with varying disabilities. The second keynote speaker was Dr. Anthony Montreal, who supervises eight divisions of the CDE. His associate, Tapita Cortez-Alcala, CDE Director of Legislation was also a guest speaker.

In addition, this year the conference had five pull-out sessions. PAI Multicultural Affairs Advocate, Carmen Varela, facilitated the IEP session.

Other sessions included: Self-Esteem, Social Security, Mental Health and Behavior Problems. Celebración de Familias Excepcionales was honored to have Dolores Huerta, President of the Dolores Huerta Foundation deliver the welcoming address. Valerie Geary, Associate Clients' Rights Advocate, KRC

Parents Practice the IPP Process in Napa.

'Parents Can' and OCRA provided a training to monolingual Spanish speaking families regarding clients' rights and the Individual Program Plan (IPP) process. The first part of the training included a presentation regarding the Lanterman Act. The second part of the training included the application of the law demonstrated in a mock IPP meeting. Parents participated in the mock IPP which included the barriers of language and translation which often occur when families speak a different language than the service coordinator.

Families learned of the right to have the IPP document translated into an accessible language, before signing the legal document. Families were excited about learning clients' rights and how to advocate for their children. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

OCRA Provides Voting Rights Training.

OCRA provided voting rights training at an independent living center in Napa, for consumers who were interested in learning about their rights to vote. Consumers were interested in different voting options such as absentee ballots or voting at a polling place. They also had various concerns regarding poll workers denying the clients' right to vote or to have assistance in voting. The training was successful and OCRA was invited to provide another training regarding issues on the ballot, using the Easy Voter Guide. Yulahlia Hernandez, CRA, Trina Saldana, Assistant CRA, North Bay Regional Center.

OCRA Conducts Presentations for Monolingual Spanish-Speaking Parents.

The Assistant CRA for San Diego, Alba Gomez, has been busy doing outreach to Spanish-speaking parents and consumers. On April 24, 2008

Alba Gomez conducted a Spanish presentation to 20 parents of the support group at the Harold Ballard Center in San Diego. The presentation contained basics on “SSI Programs.” On May 22, Ms. Gomez conducted a second presentation on basics of the “Medi-Cal Programs.” Then, on April 19, 2008, Alba Gomez hosted a table at the Fiesta Educativa, 2008, conference in San Diego. Alba Gomez, Assistant CRA, San Diego Regional Center.

Spanish Speaking Parents Learn about Special Education and Other Issues.

On June 13, 2008, Lisa Navarro and Gail Gresham traveled to Watsonville to meet with parents and children with whom OCRA has worked for many years. The agenda for the training was on IEP’s. The evening turned out to be much more than just a basic training. Parents asked questions regarding issues about regional center and Medi-Cal.

While the children created beautiful art with supplies provided by OCRA, the parents participated in meaningful discussions about a variety of topics—other than special education. Lisa Navarro, Bilingual Assistant CRA, Gail Gresham, Supervising CRA, San Andreas Regional Center.