

ADVOCACY REPORT

OFFICE OF CLIENTS' RIGHTS ADVOCACY

SUMMER 2007

BENEFITS

K.M. Receives Refund from SSA After Waiver Was Granted.

K.M. was granted a full waiver of overpayment recovery by the Social Security Administration (SSA.) However, part of the overpayment had already been paid by K.M. when her husband's income tax refund check for 2005 was intercepted (Tax Refund Offset). Since a waiver can be requested at any time, even if the overpayment has been paid, OCRA demanded SSA refund the money by sending a demand letter to SSA citing the regulations and explaining that K.M. was entitled to receive the money back.

The local office refused to refund the money, stating K.M. would need to file for reconsideration. OCRA spoke with a supervisor who forwarded the demand to the payment center. After extensive negotiations between the SSA and OCRA, K.M. received a check for \$2117, the full amount taken from the tax refund. Katie Meyer, CRA, Westside Regional Center.

OCRA Technical Assistance to Regional Center Case Manager Wins Disability-Based Medi-Cal for Immigrant.

Y-F.W. was a recent immigration to the U.S., which made him ineligible for SSI. He earned \$1300 per month loading grocery bags and gathering shopping carts at a Taiwanese grocery store. OCRA learned that Y-F.W. had gotten the grocery store job entirely by himself. Y-F.W.'s disability was not obvious, and Y-F.W.'s family refused to let anyone tell the storeowner about it. As a result, no hearing testimony about work-related limitations could be obtained from Y-F.W.'s boss. Without more detailed vocational evidence from somebody, it sounded as if the appeal to obtain Medi-Cal's 250% Working Disabled Program could not be won.

OCRA reviewed Y-F.W.'s Medi-Cal case file and regional center records and agreed to write a memo in support of his claim. The memo

discussed the lack of vocational evidence, relevant cultural concerns, and summarized the regional center's I.Q. testing, which on its face suggested Y-F.W. met one of the mental retardation listings.

OCRA pointed out that Y-F.W. had been fired from a series of neighborhood jobs when he lived in Taiwan. It undercut the claim that the grocery store job – together with the fact that it was independent work – was solid proof he could succeed at standard, competitive employment.

OCRA instructed the case manager to submit the memo as soon as she got to the hearing office, so that the judge could read it before the hearing began and be educated on the issues. The case manager also had observed Y-F.W. at his grocery store job so she could give a first-hand account of Y-F.W.'s work. The resulting decision granted Y-F.W.'s claim for disability-based Medi-Cal under the 250% Working Disabled Program. Marsha Siegel, CRA, Regional Center of the East Bay.

ALJ Rules on Argument by County.

K.P. was receiving 283 hours per month of IHSS. These hours were reduced to 178.2 per month stating that K.P. was not eligible for protective supervision. OCRA provided direct representation at K.P.'s administrative hearing. During the hearing, OCRA entered into evidence a required doctor's report that the county had failed to obtain detailing the need for protective supervision.

The ALJ issued a fully-favorable decision, in which the county was ordered to authorize 24-hour protective supervision in addition to the 256 hours per month of domestic, related, and personal care services up to the program maximum of 283. Arthur Lipscomb, CRA, San Andreas Regional Center.

OCRA Wins Unemployment Overpayment Hearing.

D.C. contacted OCRA regarding an Unemployment Insurance overpayment. The overpayment Notice of Action had arrived more than a year before and the overpayment period was 7 years before that. OCRA immediately appealed on behalf of the consumer, noting that D.C. has cognitive impairment and cannot read.

There were four issues in question: (1) whether D.C. had willfully deceived EDD; (2) whether there was good cause to accept the appeal late, (3) whether EDD had exceeded the statute of limitations by sending a Notice of Action later than one year after the overpayment, and (4) whether it would contradict the spirit of the law and present an undue hardship if D.C. had to pay back EDD.

OCRA represented D.C. at an administrative hearing and introduced declarations from the independent living skills (ILS) worker and case manager as to D.C.'s cognitive and mental health impairment, including her inability to read and her need for considerable assistance to manage her daily activities. OCRA also brought proof of D.C.'s income in order to prove undue burden.

The EDD decision was fully favorable. D.C. prevailed on all four issues and the overpayment was waived in its entirety. Katy Lusson, CRA, Golden Gate Regional Center

A.M. Gets a Home and Community Based Waiver.

A.M. is an adult whose Medi-Cal EPSDT nursing services ended when she turned 21. Her mother called OCRA, concerned that the lack of nursing would mean A.M., who could never be left alone, would have to be placed into a facility. OCRA researched the matter and advised A.M.'s mother to apply for both the Nursing Facility Home and Community Based Services (N.F.) Waiver and the Developmental Disability Waiver. A few weeks after applying, A.M. was denied the N.F. Waiver. OCRA advised that A.M. appeal and prepared for hearing. Shortly before the hearing, In Home Operations settled with A.M., accepted her into the N.F. Waiver program and provided the needed nursing services. Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Increase in IHSS Hours.

J.M. is a young adult consumer living with his father and other family members. J.M. is diagnosed with severe cerebral palsy and requires full-time care. IHSS did a reassessment but refused to increase the authorization of 171 hours per month. The family contacted OCRA. After assessing specific IHSS service needs, OCRA filed an appeal on J.M.'s behalf. The

county appeals representative contacted OCRA after receiving the hearing request and arranged for a new assessment that resulted in an increase to 247 hours per month, made retroactive for one year. IHSS services are now provided and J.M. received about \$10,000 to pay his care provider retroactively. Doug Harris, CRA, Redwood Coast Regional Center, Lake County.

A.V. Is Granted More IHSS Hours.

A.V.'s mother initially called OCRA for assistance because IHSS had not provided her with a Notice of Action determining the number of hours for which A.V. was eligible. A.V.'s mother called the IHSS worker several times to follow up after the assessment but was told there was a backlog of cases and the elderly were the priority. OCRA advised A.V.'s mother to file a request for hearing because it had been more than 4 months since A.V.'s mother initially contacted IHSS. A notice of action was finally sent to the mother authorizing 40.6 hours a month retroactive to the date the mother called IHSS. A.V.'s mother asked OCRA to assist her in appealing the number of hours. OCRA represented A.V. at an administrative hearing. OCRA argued that A.V. was entitled to additional hours for personal care, transportation to medical appointments and protective supervision. The ALJ denied protective supervision stating that there was no evidence A.V. engaged in self injurious behaviors despite the documentary and testimonial evidence to the contrary provided at the hearing. The judge, however, did grant an additional 20 hours per month of IHSS services which was retroactive to the date of application 8 months earlier. Katherine Mottarella, CRA, Tri-Counties Regional Center.

Client Receives Favorable Decision From SSA Appeals Council.

L.C.'s regional center service coordinator called OCRA for help after an ALJ upheld the SSA's termination of L.S.'s eligibility for Social Security Disability Insurance (SSDI) and SSI. OCRA gathered new evidence and filed an appeal with SSA's Appeals Council, which agreed that the judge did not properly evaluate L.C.'s disability and did not adequately support his conclusion that L.C. is no longer disabled. The Appeals Council remanded the case to the judge and ordered another hearing, which will include considering the new evidence that OCRA provided. OCRA will represent L.C. at the upcoming hearing. Ibrahim Saab, CRA, Ada Hamer, Assistant CRA, North Los Angeles County Regional Center.

P.S. Is Awarded 280 IHSS Hours.

P.S. is a 10 year-old boy whose mother called OCRA to say that P.S. received only 90 hours of IHSS in spite of often putting himself in danger. Although the mother reported to the county worker that P.S. was playing with knives and scissors, running away and eating dangerous things, the county denied protective supervision. Additionally, because his mother has two other children with disabilities, P.S.'s mother desperately needed more hours. OCRA opened the case for investigation and assessment, reviewed the relevant records and attended P.S.' IHSS re-evaluation. As a result, P.S.' IHSS hours were increased from 90 to 280. Bernadette Bautista, CRA, Alba Gomez, ACRA, San Diego Regional Center.

OCRA Assists Twins with Autism to Obtain IHSS.

OCRA successfully represented 5-year-old twins with autism at an IHSS hearing for protective supervision. OCRA was first contacted by the parent after the boys' IHSS application was denied because IHSS claimed the mother had not left work to care for her sons. After successfully establishing that the needs of the twins and the lack of alternate providers prevented the mother from working, IHSS agreed to conduct an in-home assessment. After the in-home assessment determined the twins needed 5 hours for bowel/bladder care and no protective supervision, OCRA staff successfully appealed. The ALJ ordered IHSS to fund 195 hours of protective supervision, with retroactive payments to May 2006. Emma Hambright, CRA, Lanterman Regional Center.

Early Start Consumer Gets Maximum IHSS Hours.

A.T.'s mother applied for IHSS in October, 2006. When the mother received the notice of action indicating the approval of 195 hours, she contacted OCRA for help in getting more hours. The CRA agreed to provide technical assistance and contacted the IHSS appeals specialist, pointing out that A.T.'s pediatric neurologist had completed and signed an "Assessment of Need for Protective Supervision" form, which indicated that A.T. was severe in all areas and required protective supervision. After the hearing specialist reviewed the form, she ordered the IHSS worker to award A.T. 283 hours of IHSS services, including protective supervision, as well as

retroactive hours dating back to the initial date of application. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center. **I.N. Eligible for Medi-Cal.**

The county denied I.N.'s application for IHSS services because he did not qualify for Medi-Cal. OCRA researched the issue and advised I.N.'s mother to apply for the DD Waiver, which would provide Medi-Cal if I.N. was found eligible. As a result, I.N. was enrolled in the DD waiver and full scope Medi-Cal was granted. The IHSS determination for services is still pending. Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

HOUSING

An apartment manager refused to rent an apartment to S.G.'s family, making discriminatory comments about S.G.'s disability in the process. After S.G.'s mother called OCRA for help, the CRA contacted the apartment manager, told him what the law is regarding discrimination against people with disabilities in housing and threatened to file complaints against him and the property owners with state and federal agencies. The apartment manager rented the apartment to S.G., and her mother shortly thereafter. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

OCRA Helps Save Affordable Housing for Consumer and Her Children.

N.G. and her three daughters have lived in the same federally subsidized townhouse for several years. In March, 2007, N.G. received a 30-day notice terminating the residency, based upon poor housekeeping. N.G. contacted the regional center. N.G. had received two similar notices in 2005 and 2006 but never told the regional center. OCRA was contacted and the CRA agreed to write a letter to the housing authority and ask for a reasonable accommodation. The CRA also convinced the regional center to quickly schedule an Individual Program Plan (IPP) meeting. At the IPP meeting, the CRA requested funding for supported living services. The regional center agreed to fund for a supported living agency to work with N.G. and to mentor her on how to maintain a cleaner home.

Shortly thereafter, the housing authority filed an Unlawful Detainer action against N.G. The CRA advised N.G., her daughters, the regional center, and

the supported living agency to expedite the cleaning efforts. After extensive negotiation between OCRA and the housing authority, the housing authority agreed to dismiss the case. OCRA helped N.G and her family save an estimated \$6,500 a year in housing costs. Jim Stoepler, CRA, Josh Sinoway, Volunteer, Redwood Coast Regional Center, Eureka.

CONSUMER FINANCES

Spouses Receive Full Reimbursement of Money Paid for Time Share.

R.R. and P.R. agreed to attend a time-share presentation with the understanding that they would receive a free vacation trip. During the course of a “high pressured” sales presentation, they signed complex contracts to become owners of a time-share property, borrow money at a high interest rate, and pay monthly maintenance fees. In addition, the company had the couple authorize monthly payments to be automatically withdrawn from their checking account. R.R. and P.R. contacted the company to cancel the contracts and seek full reimbursement, but the company would not comply. The CRA met with the clients and explained the legal reasons why the contracts could be cancelled (“rescinded”). The CRA wrote a demand letter to the time-share company explaining that the clients lacked the cognitive capacity and reading skills to understand these lengthy and complex contracts. Following the company’s receipt of the demand letter, the CRA called the company’s legal department to inquire about a timely reimbursement. The company agreed to cancel the contracts and refund all money paid to date. The clients were paid back over \$ 3,000. Tim Poe, CRA Kern Regional Center.

PERSONAL AUTONOMY

OCRA Intervention Gets Approval for Using Special Needs Trust Money for Rent so J.P. Can Move into His Own Apartment.

J.P.’s mother has always strongly supported her son’s interests, At her death, she left J.P. a Special Needs Trust (SNT) with money enough to sustain these interests and also pay for an apartment or condominium in his favorite city. J.P.’s mother appointed her bank as SNT trustee. Five years after his mother’s death, J.P. felt stuck in the group home he

had to move into after the trustee sold his and his mother's home. His supported living agency was ready to start services, but the trustee refused to purchase a condominium or help pay rent on an apartment. The trustee and various agencies had discussed options, but actual planning had come to a halt. Increasingly exasperated with his inability to move into his own place, J.P. had a friend at his day program contact OCRA.

In a memo and a meeting with the bank, OCRA allayed the bank's fears about using SNT money to help J.P. move into an apartment. OCRA and J.P. thought the bank has agreed to pay the rent. Then, five months later, OCRA learned there had been a reversal. A sentence in the SNT led the bank to say it could not provide the money J.P. needed to make apartment rent affordable. The sentence forbid the bank to use any SNT money in a way that would cause S.P. to lose needs-based government benefits. S.P. got more than \$700 each month from his mother's Social Security account. If he got the needed rental payment, he would lose all his SSI. Once the bank realized J.P. could lose his SSI and the Medi-Cal that went with it, the bank reversed its decision to pay any of his rent. On hearing this, OCRA showed the bank that J.P. would qualify for the Aged & Disabled Federal Poverty Level Medi-Cal program. The bank reversed itself again. J.P. got the SNT money he needed, and moved into his own apartment in May 2007. Marsha Siegel, CRA, Regional Center of the East Bay.

Curfew Precludes the Exercise of Freedom of Association.

S.C. is a young man who loves music and to go dancing. The group home in which he lives instituted a new curfew, which made it difficult for S.C. to attend dances with his friends. OCRA met with the new group homeowners and discussed clients' rights, including the right to freely associate and visit with friends. S.C. is now able to attend the dances and enjoy music with his friends. OCRA is scheduled to provide a clients' rights training for the group home. Yulahlia Hernandez, CRA, North Bay Regional Center.

REGIONAL CENTER

Regional Center Reactivates T.S.' Case.

In February 2007, OCRA received a call from a county mental health social worker who said that T.S., a 30-year-old, was to be discharged from a psychiatric hospital but had nowhere to go. Because the regional center had filed a restraining order against T.S., his case had been inactive since November, 2005. T.S. was having difficulty reopening the case. After investigation, OCRA advocated to have T.S.' case reopened. The regional center agreed, reopening the case and having independent living services workers help T.S. find his own apartment. Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

Child Receives Additional Respite Hours and Parent Behavior Training.

D.C. is a 3-year-old boy who is diagnosed with autism. Due to D.C.'s self injurious behavior, D.C. requires constant supervision. D.C.'s IEP team and medical doctor agreed that this type of behavior could lead to serious physical injury. D.C.'s mother could not provide intense supervision because she has a 3-month-old and another 6-year-old diagnosed with autism. D.C.'s mother requested respite for an additional 32 hours per month for three months. The regional center denied the request on the basis that it is a parental responsibility to care for children. D.C.'s mother called OCRA for advocacy assistance.

OCRA advocated that the extraordinary circumstances of the family with two children with disabilities and a newborn infant warranted additional parent support within the home. The regional center agreed to provide an extra 20 hours of respite at the two-child respite rate and provide parent training. Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center.

OCRA Helps R.B. Receive a Person-Centered IPP.

R.B. is a 5-year-old diagnosed with autism. R.B.'s mother contacted OCRA for assistance when the regional center did not respond to her requests for services for R.B.

OCRA represented R.B. at the IPP meeting. He now receives the following funded services: ABA based in-home behavior, after-school program with transportation, and a specialized social-recreational program with 1:1 aide funded during the family vacations. OCRA also assisted the parent to receive increased respite hours, Medi-Cal funded diapers, and a specialized

dental referral for R.B. OCRA also provided materials regarding IHSS so that the parent may apply for it. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

B.C. Fulfills His Dream of Moving to Arizona to Live with His Sister.

B.C. is a 48-year old man who has lived in a variety of settings including developmental centers over the years. His older sister, A.C., had been talking to him and visiting him over the years. A few years ago, B.C. went on vacation and stayed with his sister in Arizona. He enjoyed his time very much and consistently asked to go back to see her. He went on more vacation visits to her home and enjoyed them all. B.C. contacted OCRA to determine how he could move to Arizona.

The regional center had been B.C.'s conservator for many years. It was apprehensive about a move out of state and uncertain of the types of services and supports B.C. could obtain. A.C. investigated the available services and met with the Arizona equivalent of the Department of Developmental Services. She worked out a plan whereby, B.C. would live with her for one month to get residency in the state and then move to a group home nearby.

OCRA met with B.C. and his providers to discuss the move and how to prepare for it. B.C. then moved to Arizona and is very happy being closer to his sister. Katie Casada Hornberger, CRA, Harbor Regional Center.

Regional Center Continues Funding Nursing Hours.

J.S. is a 6-year-old with severe medical disorders. OCRA had secured Medi-Cal nursing hours for him at the pediatric sub acute level through In-Home Operations earlier in the year. J.S.'s mother, a single parent, needs additional support to maintain him in the family. She has recently started a new business in real estate and has some medical needs of her own. She had enough support from the regional center to equal support 24 hours per day but the regional center issued a notice of action that the 4 hours it was funding would end. OCRA prepared arguments including consumer choice to remain at home and the mandate of individual planning including specialized medical care services. OCRA attended the informal with J.S.'s mother and convinced the regional center to continue the additional support through October 2007. Katie Meyer, CRA, Luisa Delgadillo, Assistant CRA, Westside Regional Center.

OCRA Assists in Regional Center Eligibility Being Reinstated.

A.J. was diagnosed with mild mental retardation and a mood disorder due to fetal alcohol syndrome. Throughout the last several years, A.J. was found only provisionally eligible for regional center services. A.J. made considerable progress in preschool and at age 5, the regional center referred her for psychological testing as part of the eligibility review process. Although the regional center's testing was inconclusive due to A.J.'s lack of cooperation, the regional center terminated eligibility based on testing by the school, which put A.J. at full scale IQ of 84. Her parents appealed the regional center denial and requested an informal hearing.

A.J.'s parents contacted OCRA for assistance. The parents said that in the past year, subsequent to all the testing that was done, A.J. seemed to regress. Her speech was more difficult to understand and she was repeating kindergarten due to the lack of progress she made. Her doctor also suspects that she is having seizures and is in the process of testing her.

The Associate CRA reviewed the records and provided technical assistance to A.J.'s parents to assist them at the informal hearing. It was recommended that A.J.'s parents provide regional center with this new information and request that the regional center perform new assessments to test A.J.'s current level of adaptive functioning. At the informal hearing, the regional center concluded that further testing is necessary and agreed to continue providing services to A.J. Noelle Ferdon, CRA, Lorie Atamian, Associate CRA, Far Northern Regional Center.

Client to Be Reunited with Family.

K.O., misdiagnosed and separated from her husband and child by a county social worker who decided that K.O.'s home was not clean enough, spent many years in a facility specializing in dementia, a disorder that K.O. did not have. OCRA, at the urging of K.O.'s family, intervened on K.O.'s behalf, convincing the county to evaluate K.O. again. OCRA also convinced the Public Conservator to petition to have the conservatorship terminated if K.O. was properly diagnosed and found not to have dementia. She has been moved to a more appropriate home near her family, who can now visit her regularly. K.O. will be assessed soon and if found not to have dementia, will be able to return to her home and family. Alexis Ortega, CRA, Ernestine Moreno, Assistant CRA, Central Valley Regional Center.

RIGHTS IN THE COMMUNITY

Client's Personal Rights Restored.

J.M.'s residential facility, at the direction of his regional center service coordinator, was denying J.M.'s right to personal possessions (cell phone), right to see visitors (wife), right to make phone calls, and right to receive mail. OCRA informed the residential service provider and the service coordinator that these rights could only be denied for a good reason, such as to prevent injury or to protect others' rights, which was not the case here. Soon after OCRA spoke with the service coordinator, J.M. received his cell phone back, was able to receive mail and his visitations with his wife were reinstated. Alexis Ortega, CRA, Ernestine Moreno, Assistant CRA, Central Valley Regional Center.

Consumer Removed From Hospice.

S.D. had been hospitalized for pneumonia. When S.D. was released from the hospital and returned to her group home, the administrator was informed by S.D.'s parent, who was her conservator, that S.D. had been placed in hospice care. The parent became very angry when she became aware that S.D. was being provided food and hydration from the group home. The parent had S.D. removed from the home and placed in a hospice ward at a skilled nursing facility. Since S.D. did not have a diagnosis to support withdrawing nutrition and hydration or her being on hospice, OCRA was contacted for assistance. OCRA worked with the regional center doctor to get the court investigator to look into the parent's conservatorship and reasons for placing S.D. in hospice care. After the court investigation, S.D. was removed from hospice and provided hydration and nutrition. Jacqueline Miller, CRA, Cynthia Solomon, Assistant CRA, Regional Center of Orange County.

SPECIAL EDUCATION

School District Funds F.A.'s Placement at NPS.

F.A. is a 15-year-old child with a diagnosis of autism and a cognitive disability. In addition, he experienced increasing behavior problems at school. Although OCRA previously assisted the parent in having the school district fund a behavior assessment, both the behavior plan offered by the

school staff and the distractive classroom placement were inappropriate. Following a difficult incident, the school staff determined that the child must remain at home for 45 days. The CRA agreed to represent the parents at an IEP.

The CRA explained to the IEP team that the school was in violation of numerous laws. The alleged violations included not having a manifest determination meeting, not providing home instruction following the initial 10-days of suspension, and not developing a positive intervention behavior plan. The CRA also advocated for new placement at a non public school (NPS) in a nearby school district. After further discussions between the CRA and the attorney for the school district, the school district agreed to fund the new placement at a non-public school (NPS), where school staff trained in behavior interventions can provide services in a less distractive setting. Tim Poe, CRA, Kern Regional Center.

School Provides Services, Including Client's Surgery.

J.V., an 8-year-old boy, was having difficulty hearing at school, which frustrated him and caused him to act out, resulting in his suspension for over a month without any services provided. The school finally offered J.V. a program for one hour per day, two days per week, from 3:00-4:00, when all the other students had left for the day. The parents signed the IEP, which was in English, which the Spanish-speaking parents could not read. The CRA wrote a letter to the district revoking the parents' consent to the plan, requesting a behavior assessment and demanding an emergency IEP. At the IEP, the district agreed to increase J.V.'s on-campus schooling from 2 hours per week to 6, with an additional hour soon possible. The district also reported that the behavior assessment was underway and a new placement would be ready for J.V. in the fall. Finally, the district agreed to pay for surgery on J.V.'s ear, which will allow him to be fitted for a hearing aid. Alexis Ortega, CRA, Ernestine Moreno, Assistant CRA, Central Valley Regional Center.

C.A. Receives Appropriate Placement.

C.A., a 16-year-old was expelled from her school of residency and placed in a NPS that specialized in educating children with severe behaviors. C.A. remained at the NPS for two years until her mother saw that, although her behaviors were more controlled, she was not learning anything. After the

school district denied C.A.'s mother's request for a more appropriate placement, the mother called OCRA for representation at an upcoming IEP meeting. At the IEP meeting, OCRA argued for an appropriate placement and a functional analysis assessment (FAA) to determine C.A.'s behavioral progress. The school district granted the mother's requests and C.A. is now in a more appropriate special day class awaiting her FAA. Veronica Cervantes, CRA, Beatriz A. Reyes, Assistant CRA, Inland Regional Center.

B.J. Obtains a NPS Placement.

B.J.'s mother contacted OCRA seeking assistance in securing a safe and appropriate high school placement for her son after he was attacked on campus for the second time. B.J. refused to return to school. The CRA represented B.J. at IEP meetings to develop appropriate goals and services to address his academic strengths as well as his social deficits. The CRA was able to negotiate B.J.'s return to school by securing an offer of placement at a NPS with limited class size, 1:1 aid, and strong academics with a focus towards students with learning disabilities. The district also agreed to provide an assistive technology assessment, transportation, and on-going individual and family counseling. Emma Hambright, CRA, Lanterman Regional Center.

OCRA Helps K.A. Successfully Transition from Early Start to School.

K.A. was referred by UCLA to the regional center's Early Start program at 2 years-3 months. Her mother contacted OCRA for assistance several months later because services were not being provided.

OCRA began representing K.A. to help her receive timely early intervention services. OCRA assisted K.A. to receive the following expedited early start services: funding for UCLA early intervention class, occupational therapy, physical therapy, and home-based 1:1 speech and language services. OCRA continued providing assistance and represented K.A. at her transition meeting to school services. An assessment plan with the school was signed by the parent at the transition meeting in January, 2007. The school delayed the assessment process beyond the 60-day timeline. Due to repeated intervention by OCRA, assessments were finally completed. OCRA met with K.A.'s parent on several occasions to discuss early start transition, pre-school placement, classroom visits and related services.

OCRA represented K.A. at her initial IEP meeting in June 2007. The IEP team agreed the least restrictive environment for K.A. would be a general education pre-school classroom with a Non-Public Agency (NPA) behavior specialist (25 hours per week) to assist K.A. in the classroom. The behavior specialist will begin assisting K.A. during Extended School Year 2007 and continue through school year 2007-08. It was also agreed that due to pre-school hours (3 per day), any unused NPA behavior hours could be used by the parent for in-home behavior training. K.A. will also receive speech and language and occupational therapy. Anastasia Bacigalupo, CRA, Christine Armand, Associate CRA, South Central Los Angeles Regional Center.

Student Wins Compensatory NPA Speech Services.

B.E. transferred to a new school district, with an IEP that specified speech and language services three times per week in 30 minute 1:1 sessions. The new school district claimed that its program was “language based,” and that although it did not provide 1:1 services, the speech and language interventions were far more intensive than what B.E. had been receiving in her former placement. B.E. sought assistance from OCRA.

During negotiations between the school district and OCRA, the school wavered in its position regarding possible compensatory services, but subsequently refused. OCRA assisted B.E.’s mother to file a compliance complaint with the Department of Education (CDE) for failure to implement the IEP. CDE found the district to be in compliance with the law. Upon receipt of CDE’s findings, OCRA filed a reconsideration with the CDE’s Superintendent, which included a copy of an e-mail communication in which the district had made a statement that seemed to compromise its “in-compliance” position.

Ten weeks later, the Associate CRA received an “Amended Report” from CDE, which reversed its previous finding, and ordered the district to provide 1:1 compensatory speech services to this student. CDE explained that the decision had been changed because even though services had been provided in accordance with the IEP, the district had also acknowledged that its service provision model may not have met the intent of the IEP. Celeste Palmer, Associate CRA, Regional Center of the East Bay.

OCRA Assists Parent with Self-Advocacy.

T. S.' mother called OCRA one-half hour before her son's scheduled IEP meeting and said the district was denying the assistive technology her 6-year-old son needed. The district explained that, because T.S. was being home schooled, he would be the only student using the technology, so the school denied the request. OCRA referred T.S.' mother to PAI's Special Education Rights & Responsibilities Manual (SERR) section on assistive technologies and prepared the mother to self-advocate by highlighting the sections explaining the school's responsibility and that other children do not need to benefit from the technology. T.S.' mother called back the next day to tell OCRA that the district approved all the requested technology. Alexis Ortega, CRA, Ernestine Moreno, Assistant CRA, Central Valley Regional Center.

OCRA Helps Parent Self-Advocate.

When M.M. recently turned 18, the school district would not allow M.M.'s mother to attend any IEP meetings, claiming that M.M. was now an adult. The mother, worried that the district would take advantage of her daughter, called OCRA for help. OCRA provided the mother with an Assignment of Educational Decision Making Authority form that, when signed by M.M., would allow the mother to make educational decisions for M.M. After the district refused to accept the form, the Assistant CRA gave the mother copies of state law and sent her back to the district, which had no choice but to accept the mother as the person authorized to make educational decisions for M.M. Matt Pope, CRA, Lucy Garcia, Assistant CRA, Eastern Los Angeles Regional Center.

School District Attempts to Discontinue ABA Following Family Crisis.

D.C. is a 5-year-old boy with autism. He and his family became homeless due to a house fire. Owing to the family's displacement, D.C.'s mother agreed to temporarily suspend his 1:1 in-home ABA services and have them replaced with a group social class until the family was settled.

When D.C.'s mother tried to reinstate the in-home ABA, the school district attempted to not resume D.C.'s 1:1 ABA hours by saying that D.C. was getting what he needs during his social group class. OCRA intervened on behalf of D.C. and his family. The district subsequently agreed to reimburse

D.C. 70 hours of in-home compensatory 1:1 ABA in addition to agreeing to allow D.C. to continue to participate in the social group. Arthur Lipscomb, CRA, Eleanor LoBue, Assistant CRA, San Andreas Regional Center.

Appropriate Placement Found after Multiple Suspensions.

J.V., an 8-year-old boy, had been suspended multiple times during the school year before the district offered home schooling, which his Spanish-speaking mother did not understand and thought was an expulsion. After spending close to 2 months at home, J.V.'s mother called OCRA, which immediately demanded an emergency IEP. Because the regular school year was coming to an end, the concern was the absence of a plan for the summer. With OCRA's assistance, the district and J.V.'s mother were able to work together to find an appropriate placement for J.V. that could adequately meet his needs for the summer. Both J.V. and his mother were satisfied with the plans for summer and a regular IEP meeting will be convened in the fall. Alexis Ortega, CRA, Ernestine Moreno, Assistant CRA, Central Valley Regional Center.

J.H. Gets Special Education Services.

J.H. has not progressed in his school program for years. Though J.H. has received speech therapy, he remains unable to communicate. The school was supposed to be providing a 1:1 aide half days, but never assigned an aide to J.H. His mother walked into the classroom one day to find J.H. sleeping at a table all by himself.

J.H.'s mother contacted OCRA for help. The Assistant CRA attended several IEP meetings to obtain appropriate assessments and services for J.H. OCRA's advocacy resulted in the school providing J.H. with a speech device, and speech and occupational therapy services. The therapists agreed to work with J.H.'s mother to educate her on how she can implement the techniques they are using at school in the home environment. The school also assigned a full time 1:1 aide to J.H. Lorie Atamian, Associate CRA, Far Northern Regional Center.

School District Keeps M.T. in the Least Restrictive Environment.

M.T.'s mother called OCRA and complained that the school district planned to move M.T. into a special day classroom for severely handicapped

children, a more restrictive environment than her current learning disabled class with a 1:1 aide who spoke and taught M.T. sign language. M.T.'s mother explained that not only was M.T. making tremendous progress on her goals, something she was not able to do previously when placed in a severely handicapped class, but she was finally learning to communicate and use her sign language skills. OCRA reviewed M.T.'s educational records, researched the relevant special education law and attended M.T.'s IEP meeting, where the district said that M.T. needed "functional skills" which she could only learn in the special day classroom. OCRA insisted that, without at least trying to develop her functional skills in the less restrictive environment with support, to place her in a more restrictive environment would violate the law. OCRA also insisted that the functional skills be added to her IEP and worked on with her 1:1 aide in her current placement. The district agreed and at the following IEP meeting, the district acknowledged that M.T. was making progress on her functional skills and agreed to continue her current placement in the least restrictive environment. Bernadette Bautista, CRA, Alba Gomez, Assistant CRA, San Diego Regional Center.

OUTREACH/TRAINING

OCRA Assisted in the Development and Presentation of the First Conference for Latino Consumers and Their Families in the San Joaquin Valley.

The Assistant CRA participated on the executive board for the first annual conference to be developed by and for Latino families in the San Joaquin Valley. Conference attendees learned of the various agencies available in the area that serve clients with disabilities and were able to "network" with other families in the community. Over 350 clients attended the conference. Valerie Geary, Assistant CRA.

Consumers and Families Benefit from OCRA Outreach and Education.

OCRA has successfully accomplished general and target community outreach goals and objectives statewide. Advocates continue to excel in efforts to provide outreach to Latino families. OCRA's goal is to provide advocacy tools and a continuum of trainings so consumers and their families can develop a network of strong Spanish-speaking advocates.

As examples, OCRA conducted three substantive legal trainings to the Spanish-Speaking Parent Support Group in the VMRC area. Topics included both special education and conservatorship. OCRA has established a warm and positive relationship with families within the group and is often asked to come to celebrations. OCRA has also developed a good working relationship with the Walton School outreach coordinator in the area. OCRA conducted two legal/substantive trainings on school assessments and the IEP process to Spanish speaking parents with children currently attending the Early Start program at Walton School. Families were open and eager to learn about rights for their children in special education.

In the north bay, as a result of continued outreach to the Spanish speaking community, many Spanish-speaking families call upon OCRA for assistance with school matters, regional center issues, social security, and other public benefit questions. OCRA conducts intake and provides legal and advocacy services to consumers and families who attend outreach and educational events. In one such instance, OCRA successfully represented in a school district matter and secured compensatory services for the student.

Leinani Neves, CRA, Filomena Alomar, Assistant CRA, Valley Mountain Regional Center, Lisa Navarro, Bilingual Assistant CRA, Sacramento, Manuella Osborn, Sacramento, and Yulahlia Hernandez, CRA, North Bay Regional Center.