

## **Advocacy Report - July 2024 through December 2024**

*All names have been changed to preserve confidentiality.*

These stories show OCRA's range of services to clients. In some cases, OCRA gives advice and advocacy tools for clients to help themselves. In others, OCRA provides legal advocacy and represents clients directly at a meeting or hearing. These stories show both "lay" and "legal" advocacy.

### **BENEFITS – CALFRESH**

#### **Adam Learns to Apply for CalFresh.**

Adam wanted to apply for CalFresh, but he could not figure out how to complete the online process. Adam tried to apply for CalFresh many times on his phone but was unsuccessful. Adam contacted OCRA for help. OCRA met with Adam and helped him step by step through the application process. OCRA answered his questions and guided him on how to upload requested documents. OCRA explained to Adam and his mother how to schedule the CalFresh interview. Following the interview, Adam quickly received a notice of approval from the county. Adam will receive benefits for the month he applied and the full CalFresh amount will start the next month.

### **BENEFITS – IHSS**

#### **Johnny Gets Protective Supervision and Over a Year's Worth of Backpay.**

Johnny's father contacted OCRA to appeal the hours that the county IHSS program awarded them. Johnny has a complex mix of both developmental and mental health disabilities. He has gotten into dangerous situations and has harmed himself in the past. IHSS refused to give Johnny protective supervision and gave only minimal hours for help with activities of daily living. OCRA reviewed evidence and agreed to directly represent Johnny at the IHSS hearing. After hearing and reading OCRA's arguments, the judge determined that Johnny needed protective supervision and an increase in other IHSS hours. The judge ordered this increase to go back to the IHSS application date, over 14 months before. Johnny was awarded over \$54,000 in backpay for his parent provider.

### **Jackson Wins IHSS Case, Keeping Protective Supervision Hours.**

Jackson is a 20-year-old student with autism. Jackson and his mother contacted OCRA after they received a notice that the county was ending Jackson's protective supervision hours. OCRA agreed to represent Jackson at an administrative hearing. OCRA helped Jackson get declaration letters from his service coordinator at the regional center and one of his teachers. At the hearing, OCRA used witness testimony and evidence to show the judge Jackson should not lose his IHSS protective supervision hours. Jackson bravely and truthfully answered the judge's and the county representative's questions. Considering the declaration letters and Jackson's statements at the hearing, the judge agreed that the county could not end Jackson's protective supervision hours. Jackson now has the maximum number of IHSS protective supervision hours to help keep him safe at home.

### **OCRA Helps Child Get IHSS Protective Supervision.**

Juan is 5 and lives with his family. He is autistic and has unsafe behaviors that put him at risk of getting hurt. Juan wears diapers, smears his feces, climbs furniture, runs from his family, and stuffs food in his mouth until he chokes. Juan must be constantly monitored to stay safe. Juan's mother applied for IHSS and the county conducted their in-home assessment. The county sent a denial notice, saying Juan does not qualify for any IHSS hours because his needs are "age appropriate." OCRA helped Juan's mother appeal and gathered records documenting Juan's unsafe behaviors. OCRA collaborated with the regional center to get documentation of Juan's need for IHSS protective supervision hours. OCRA represented Juan at his IHSS hearing. Before the hearing, OCRA drafted a detailed letter to the county appeals specialist with supportive records attached. In the letter, OCRA explained how each document shows Juan's need for IHSS protective supervision and asked the county to reassess Juan, instead of going forward with the hearing. After extensive communication with the county appeals specialist, the county agreed to grant Juan IHSS protective supervision. Juan's family received a retroactive payment of over \$40,000 from IHSS. Juan can now remain safe at home and his family can afford to move to a larger home, all because he now gets IHSS protective supervision.

## **BENEFITS – MEDI-CAL**

### **Charlotte Keeps Her No Share of Cost Medi-Cal After a Hearing.**

Charlotte had been enrolled in the Home and Community-Based Services Developmental Disabilities Waiver (“DD Waiver”) for the past 9 years. She was institutionally deemed, which meant her parents’ income did not factor in for her to get Medi-Cal, even though she lived at home and not in an institution. When Charlotte turned 15, she started getting child’s benefits from her parent’s Social Security record. The county said Charlotte would now have to pay a large share of cost every month because of that income, meaning her Medi-Cal was no longer free. Charlotte’s mother filed for a hearing and called OCRA for help. OCRA agreed to represent Charlotte at her hearing. During Charlotte’s hearing, the county argued Charlotte is not eligible for Medi-Cal with no share of cost because she was not getting Supplemental Security Income (SSI). The county also argued she needed to be found disabled by the Social Security Administration. OCRA explained the county made several mistakes in saying Charlotte had a share of cost. First, a person does not need to be on SSI to get Medi-Cal. Second, the county should have found Charlotte presumptively disabled because by being on the DD Waiver, she meets level of care criteria for otherwise being in an intermediate care facility. Third, the county should have evaluated Charlotte for the most beneficial Medi-Cal program, and one existed where she would not have a share of cost. The judge issued a favorable decision saying Charlotte is presumptively disabled and ordering the county to keep Charlotte on free Medi-Cal while she gets a disability determination.

### **Mark’s Medi-Cal is Reinstated.**

Mark had Medi-Cal because of his disability for many years. During a recent Medi-Cal redetermination, the county stopped his Medi-Cal. Mark and his support team did not understand why, because his situation had not changed. OCRA appealed gathered documents about Mark’s Medi-Cal. OCRA negotiated with the county appeals specialist to help put Mark in the correct Medi-Cal program. OCRA withdrew from the hearing on the condition that the county would review Mark’s case and OCRA’s arguments. After the county finished reviewing everything, they found Mark eligible for Medi-Cal again. The county reinstated Mark’s Medi-Cal going back several months.

## **BENEFITS – SSDI**

### **Lisa's SSDI Benefits Are Reinstated.**

Social Security told Lisa she was no longer eligible for SSDI benefits because of her work earnings. Lisa was only working part-time and knew about Substantial Gainful Activity (SGA), where if she earned a certain amount, her benefits would stop. Lisa went to the local Social Security office and verbally appealed. They gave her the option to get continued payments or wait until the case is decided. Lisa asked for continued pay. Lisa went to the local office every month to ask for her monthly SSDI payment. Lisa then got a notice that her benefits were going to stop and called OCRA. OCRA helped Lisa file her request for reconsideration appeal. OCRA called Social Security 12 times with Lisa and talked to different agents. Some agents refused to give any information and hung up on Lisa and OCRA. OCRA persisted, and during the last call, Social Security confirmed they will reinstate Lisa's benefits. She will receive a new letter from Social Security and her SSDI benefits each month.

### **Sarah Gets \$21,000 Back-Pay and Her SSDI Back More Than a Year after Winning Her Appeal.**

Sarah learned she won her appeal and her SSDI benefits should not have stopped. She waited patiently for her benefits to start again. She followed all the rules to keep her SSDI while she also worked. A year later, Sarah received a new letter from Social Security saying her disability was ending, and she was no longer eligible for payments, despite receiving no payments since she won her appeal. OCRA contacted Social Security several times to ask questions. Social Security told Sarah to appeal again and start the process over. OCRA called Social Security together with Sarah, explaining the situation and convincing them to work things out with their own payment center. One week after that call, Social Security deposited around \$21,000 into Sarah's bank account and her benefits started again.

### **Social Security Removes Overpayment, Reinstates Benefits, and Issues Back-Payment.**

Orange received a letter from Social Security saying he was overpaid and owed \$32,157. Social Security said the overpayment was because several years ago, Orange earned more money than the Substantial Gainful

Activity (SGA) limit. Orange and his mother called OCRA for help. OCRA worked with Orange's employer to complete a Work Activity Questionnaire showing Orange got a 20% subsidy from his employer. When counting the subsidy, Orange was not over the SGA limit. OCRA wrote an appeal letter to Social Security asking them to recalculate Orange's earnings based on the subsidy, remove the overpayment, and reinstate his benefits. OCRA and Orange's mother visited the local Social Security field office many times to ask about the appeal. Each time they spoke with a different representative and each time they got a different answer. After months of not hearing anything, OCRA encouraged Orange's mother to contact the congress person who represents the district where she and Orange live. Orange's mother asked for help from the representative's office. An office staff person contacted Social Security and asked them to process Orange's appeal. Social Security then expedited Orange's appeal. Finally, after almost a year of not getting benefits, Social Security reinstated Orange's benefits and deposited \$15,800 in his bank account for the period that he was not getting benefits. Social Security also removed the \$32,157 overpayment. Orange now has money to buy food and pay bills he could not pay while he was waiting for his appeal.

### **BENEFITS – SSI**

#### **Judge Issues Favorable Decision, Dismissing Nick's Overpayment and Ordering Back-Payment.**

Nick's mother contacted OCRA after Social Security stopped his SSI benefits. Nick is a child with a terminal medical condition. Social Security considered the gift he got from the Make-A-Wish Foundation as a countable asset which placed Nick over the resource limit. They also claimed they overpaid Nick, and he must pay them back. Nick's mother filed for a hearing. Despite having less than 24 hours to prepare, OCRA represented Nick at the hearing and received a favorable decision from the administrative law judge. The judge found that Nick owed no money, and that SSA owed him \$3,000 in SSI back-payments.

#### **Andrew Wins His Hearing and Gets SSI Benefits.**

Andrew is a 21-year-old who applied for SSI benefits. Like many SSI applicants, Andrew was denied at the initial and reconsideration phase of the appeals process and filed a request for a hearing. Andrew asked OCRA to help him with the hearing and to prove that he has a qualifying

disability. OCRA helped Andrew with the complicated SSI hearing process, first by advocating for a postponement of his hearing to prepare the evidence. OCRA helped Andrew by gathering, developing, and reviewing records and submitting a written brief to the judge. OCRA also helped prepare Andrew for testimony and provided moral support to encourage him to testify. Andrew testified about his disability and the support he needs for independent living. The judge decided that his disability met the adult standard for disability. Andrew will now get SSI benefits to help him live independently and meet his goals.

### **Peter and His Family Get Help with SSI Resource Rules.**

Peter is 14 and lives with his parents. Peter was denied SSI benefits because Social Security determined his parents' home in Ukraine was an available resource. Peter's parents explained to Social Security that their home was in the Russian-Ukraine War conflict area, so it is not available as a resource. Social Security still denied Peter's SSI benefits. Peter's parents contacted OCRA. OCRA researched Social Security's rules about available resources. OCRA found a Social Security policy stating that properties in the Russian-Ukraine War conflict area cannot be counted as an available resource. The policy also instructs applicants on how to fill out a form to show that the property is not an available resource. Based on this, Peter's father turned in that form, the policy document, and an appeal form to Social Security. Peter's father plans to share this policy with other families with property in Ukraine.

### **Client's \$31,000 SSI Overpayment From Childhood Waived.**

Joseph is an adult who lives in a group home. Joseph lived in foster care as a child. Joseph's service providers contacted OCRA because Social Security said he owed them \$31,000. This SSI overpayment was from his childhood. Joseph and his team had no idea how the SSI overpayment occurred. OCRA helped Joseph file a Request for Waiver of Overpayment Recovery. In the waiver request, OCRA explained Joseph was a child and in foster care when the overpayment occurred. OCRA explained Joseph was not at fault for the overpayment, since he was a child and does not know anything about the overpayment. After 7 months, Social Security made a fully favorable decision on the waiver request. Joseph's entire \$31,000 SSI overpayment was waived. Joseph now receives the maximum SSI benefit amount and does not have to pay back the large overpayment out of his monthly SSI benefit.

**Social Security Clears Dalia's SSI Overpayment and Gives Her a Higher Monthly SSI Benefit.**

Dalia's mother contacted OCRA for help with Dalia's SSI benefits. Dalia was charged a \$5,108 overpayment after Social Security mistakenly said she had In-Kind Support and Maintenance (ISM) for food and shelter. Social Security also documented Dalia as living in the household of another, which further reduced her monthly SSI benefit. Social Security then began withholding \$118 from her monthly check to pay back the overpayment. This lowered Dalia's monthly SSI payment from \$1182 to \$755. Dalia has gotten no help with food and shelter and has always lived in her family home paying her fair share of expenses. OCRA identified Social Security's mistakes in Dalia's living arrangement and ISM rules and helped Dalia's mother submit an appeal. OCRA represented Dalia at her informal meeting and pointed out the mistakes. The representative saw the mistakes and made corrections on the spot. Social Security removed Dalia's overpayment, increased her SSI benefit to \$1,182, and issued a retroactive payment of \$2,088.

**DEBT COLLECTION**

**Scott is Relieved of Wrongful Debt.**

Scott had been fighting with the city for over a year about a debt that was not his. Scott called OCRA because the city continued to bill him for his neighbor's illegal marijuana growing operation. Scott was the first person to move into a building that had separate living units. Because Scott was the first person to move into the building, the utility bill was in his name. More tenants moved into the building, but the utility bill stayed in Scott's name. One of Scott's neighbors had an illegal marijuana grow. When the city cited his neighbor for the grow, the city also cited Scott, because his name was on the utility bill. The citation was \$4,000. Scott moved out of the building, but the city citation stayed. OCRA contacted the city code enforcement department and successfully negotiated for the removal of Scott's citation. Scott is no longer responsible for the \$4000 bill. The city's billing department discharged the debt.

## **OUTREACH AND TRAINING**

### **Voters in Southern California Learn About Their Right to Vote.**

In September 2024, voters across the country were getting ready for Election Day. Peer Advocate Scott Barron and Disability Rights California's Senior Voting Rights Advocate Gabriel Taylor visited several Easter Seals day programs to spread the word about the upcoming election. Before each training, the participants worked with Easter Seals' staff to prepare questions about this important topic. At one event, when Scott and Gabriel arrived, the furniture was arranged to look like a press conference and each participant was wearing red, white, and blue. The room was also decorated to look like a ballot box and voter registration cards. The 15 participants wanted to learn how to research political parties and the issues each party supports. Scott and Gabriel provided useful resources to answer those questions including the Easy Voter Guide from the League of Women Voters. The presenters also said if anyone needs support to vote, they can contact their regional center service coordinator to add voting support to their Individual Program Plan. The audience learned about other ways to get more involved in their community including by joining the Voter Accessibility Advisory Committee of Los Angeles County.



Photo: Peer Advocate Scott Barron and Senior Voting Rights Advocate Gabriel Taylor sitting in front of the Easter Seals training participants.



## **PERSONAL AUTONOMY**

### **Mary Advocates for the Right to Use Her Van.**

Mary likes her independence. She especially likes spending her weekends cruising around town in her beloved minivan, specially modified to meet the dimensions of her wheelchair. Mary bought the van using funds in her special needs trust. When she first bought the van and its insurance, a family member caretaker acted as the primary driver. After her caretaker could no longer care for her, Mary moved to a group home. The group home staff were happy to drive the van for Mary. For several months, she used her van as she liked. Everyone was content with the arrangement until they received an unexpected visit from the regional center. Because the regional center objected to the home's staff driving the van, they stopped driving the van. Mary felt that the regional center had no right to dictate how she chose to use her van. She called OCRA. Mary was correct that regional centers cannot interfere with a client's rights by telling them how they can or cannot use their own property. Nothing in the law prevents a group home from helping a resident safely use their own insured vehicles. However, Mary also thought it would be good if the staff whom she asked to drive her van were also listed on the van's insurance policy. OCRA helped arrange a meeting between Mary, the regional center, the special needs trust administrator, and the group home to develop a plan. Ultimately, the team decided to place the van on the group home's commercial auto insurance with the trust reimbursing the home for the van's share of the premiums. Since finalizing the insurance, the home staff have been driving the van and Mary hits the town at her leisure.

### **Ariel Advocates for her Gender Identity and Self-Expression.**

Ariel's gender identity differs from the gender she had assigned at birth. Her name is also different than her name at birth. Ariel called OCRA because her mother and her group home were not respecting her gender identity or name. Her group home believed that her conservator had the power to determine what gender and name to use when referring to Ariel. Ariel asked OCRA to go to an IPP meeting with her team to help her advocate for her identity. Ariel showed strong self-advocacy by asserting her right to stay in the meeting when the team discussed her gender identity, even after her conservator told her she should step outside. OCRA went to the meeting and explained to the conservator and group home that only Ariel held the right to determine her identity, and that her conservator

did not have the right to tell others what to call her or how she identified. OCRA further explained that Ariel had a right to wear clothes and accessories she wanted to express her identity. Ariel's day program also offered to find LGBTQIA+ resources in the community for her. After the meeting, Ariel said that it "makes her heart happy" when OCRA and her day program call her by her name and respect her identity.

## **REGIONAL CENTER – COMMUNITY INTEGRATION**

### **Bob Gets More Time to Heal.**

While living in a homeless shelter, Bob had a medical emergency requiring hospitalization. Once his condition stabilized, Bob transitioned to a Skilled Nursing Facility (SNF). Medi-Cal stopped funding Bob's bed at the SNF. On a Friday morning, the SNF told Bob they were discharging him the next day, because Medi-Cal was no longer paying for his bed. Bob called OCRA and said he did not feel well enough to leave the SNF. With Bob's consent, OCRA told the SNF that they could not discharge Bob without reasonable notice and a safe discharge plan. OCRA explained that discharge over the weekend was unreasonable, and discharge to the street was unsafe because Bob had not yet recovered. Hours later, the SNF gave Bob a 72-hour discharge notice. OCRA counseled Bob not to sign the notice. OCRA contacted the Ombudsman, who agreed that the SNF should not discharge Bob. With Bob's continued self-advocacy, and advocacy from OCRA and the Ombudsman, the SNF agreed to transfer Bob to an open bed at their sister facility until he can move into a less restrictive setting.

## **REGIONAL CENTER – ELIGIBILITY**

### **Miguel is Found Eligible for Regional Center Services.**

Miguel is a 5-year-old autistic boy who received a notice of action denying him regional center services. According to the notice, the regional center clinicians diagnosed Miguel with Autism Spectrum Disorder level 2, but said it was not "substantially handicapping." Because the regional center's own evaluation showed substantial disability in more than three areas of major life activity, OCRA agreed to represent Miguel at an informal conference. During the conference, the regional center's representative said they did not have enough information to find Miguel eligible. After the meeting, OCRA worked with Miguel's parent to get an updated IEP from school and

gave it to the regional center with a summary of the supportive evidence in the IEP. The regional center called shortly afterward to tell OCRA they were awarding Miguel eligibility for regional center services.

### **Liam Becomes Eligible for Regional Center Services.**

OCRA previously helped Liam's mother when he was denied eligibility for ongoing services following the end of provisional regional center eligibility. At the time, OCRA gave Liam's mother information on the appeal process and how to prepare for a hearing. OCRA invited her to call back if she had further issues. Liam's mother called OCRA back after the mediation. The regional center appeared at mediation unprepared, and no resolution was reached. The regional center later called Liam's mother and offered to settle the case, with the stipulation that Liam be assessed in 3 years. With OCRA's guidance, Liam's mother pushed back on this written stipulation. The regional center ultimately took out the written stipulation that Liam must be reassessed in 3 years. The regional center cautioned they may still attempt to reassess Liam in 3 years. OCRA prepared mother with counsel and advice about how to collect documentation over the next 3 years if the regional center challenges Liam's eligibility again.

## **REGIONAL CENTER – SERVICES**

### **Jacob Gains Self-Advocacy Skills.**

Jacob contacted OCRA for help with getting more regional center services. During an IPP meeting, he raised concerns about his job program and assessments. Jacob is blind, and he needs an intervener to help him access services. OCRA guided Jacob on how to address his concerns at the meeting, helping him create an agenda. During the meeting with his new service coordinator, Jacob effectively shared his needs. His service coordinator agreed to reach out to intervener programs and find social recreational activities and tactile training. The service coordinator also started the process to get Jacob into the self-determination program. Jacob successfully advocated for his needs and gained self-advocacy skills.

### **Anthony Gets ASL Interpretation at a New Placement.**

The regional center removed Anthony from self-determination, denied him ASL interpretation services, and changed his placement, all without effectively communicating with him or his circle of support. OCRA

represented Anthony at an IPP meeting, where they got a notice of action from the regional center and discussed potential placement options. Anthony was later arrested and no ASL interpreter was provided at his hearing. The judge eventually ordered Anthony's release, but the regional center refused to find him an emergency placement. OCRA went to another emergency IPP meeting for Anthony, where the team identified a placement with a Deaf/Hard of Hearing specialty. Anthony is no longer incarcerated and has moved into the community where he can communicate using ASL interpreters.

### **Lucy Gets Services to Live Successfully in Community.**

Lucy's mother called OCRA because Lucy needed support to live in the community. OCRA had meetings with Lucy, her family, her regional center case manager, and support staff. The regional center agreed to fund Supported Living Services and a housing search agency to help Lucy find a new place to live. The Supported Living Services agency agreed to help Lucy find a therapist to work with. After the meetings, Lucy and her family were happy everyone listened to and addressed their concerns.

### **David's Mother Gets Paid for Transportation Services.**

David's mother contacted OCRA after not receiving payment for the transportation services she provided to her 11-year-old son, under a Self-Determination Plan. Although David's mother had asked for payment from the Financial Management Service (FMS), the FMS needed approval from the regional center. But the regional center had been unresponsive. OCRA stepped in, contacting the regional center to ask for them to communicate with the FMS. The regional center contacted the FMS and confirmed that David's mother could be paid for the transportation services. She now has an employment application to complete.

### **Timothy Secures Out-of-State Services While Attending College.**

Timothy is a 20-year-old student who was accepted to a university in a neighboring state. Timothy has been an avid learner since high school. He has worked closely with his parents and various support agencies to make sure that his disability never stopped his learning. After Timothy and his parents went to an administrative hearing on their own, the Department of Rehabilitation (DOR) funded Timothy's tuition, books, and an on-campus support program. His other disability-related services like social recreation

and supported living would need to be funded by his regional center. Even though Timothy was enrolled in the self-determination program and had been effectively using his funds for several years, his regional center said that he could no longer use those funds if he was living out of state. Attending college meant he would live out of state part-time. Timothy and his parents appealed the regional center's decision and contacted OCRA. Seeing how effective Timothy and his parents were at self-advocating in his other hearing, OCRA offered to guide them through the appeal process with the regional center. OCRA helped them understand the rules of the self-determination program and the exceptions to the strict out-of-state funding rules. Throughout the appeal process, including the informal meeting, mediation, and up to the hearing itself, OCRA provided weekly guidance to Timothy and his family to help them navigate the case. After getting confirmation from the state about the exceptions to the out-of-state funding rules, Timothy's regional center agreed to fund services while Timothy goes to the university out of state.

### **Marco Gets In-Home Physical Therapy Services.**

Marco is a 9-month-old baby who lives at home with his family. Marco was found eligible for Early Start services. His parents asked for the regional center to fund in-home physical therapy services for Marco as part of his Individualized Family Service Plan. The regional center issued a Notice of Action denying the request because they are the payor of last resort and Marco has private insurance. However, the closest physical therapy office that accepted pediatric patients through Marco's insurance was an hour away from his home. OCRA appealed the decision and represented Marco at the due process hearing. The Administrative Law Judge ordered the regional center to fund in-home physical therapy for Marco. The Judge found the services through his private insurance were inappropriate and unreasonable based on the impact it had on his parents' work, which also affected the family's time together. Marco now receives in-home physical therapy and can develop his gross motor skills.

### **Selena Gets to Help Make Her Own Meals with Family.**

Selena's mother contacted OCRA because the regional center denied funding disability-related changes to an Accessory Dwelling Unit (ADU). The ADU, as changed, would allow Selena and her mother to prepare Selena's meals together because the main home's kitchen is too small for Selena's power wheelchair. OCRA reviewed documents like the regional

center informal meeting decision. OCRA also recommended evidence for Selena's mother to gather and provided legal citations. Selena's mother gathered the evidence and used OCRA's advice during a mediation with the regional center. After 2 hours, they reached a resolution, avoiding a hearing.

### **Collin Gets In-Home Nursing Services from Regional Center.**

Collin and his family used to live in an urban area. While living there, Collin received Early and Periodic Screening, Diagnostic and Treatment (EPSDT) in-home nursing services through his Medi-Cal managed care plan. The nursing services were written into his IPP with the regional center. When Collin and his family moved to a rural part of California, the EPSDT nursing support was no longer available through the managed care plan provider. The new regional center agreed to fund a nursing assessment, but the provider delayed the assessment, and Collin was not getting any nursing services. OCRA contacted the provider and asked them to complete the assessment without more delay. OCRA also went to an IPP meeting with Collin and his father to review the assessment with the IPP team. At the IPP meeting, the regional center said their nurses had not yet reviewed the assessment. OCRA referenced the IPP from the previous regional center and asked them to temporarily add nursing services to the IPP while they review the assessment. The regional center agreed to fund the same amount of EPSDT nursing services that Collin previously got, but no longer could, through his new managed care provider.

## **SPECIAL EDUCATION**

### **Nathan Gets Necessary Assessments and Services at School.**

Nathan's parents tried for 4 years to get the school district to conduct assessments for Nathan. Nathan needed a functional behavior assessment and an assessment for a 1:1 aide. The school district denied Nathan's parents' requests, did not respond at all, and repeatedly lost paperwork. OCRA looked into Nathan's case for a possible compliance complaint and due process appeal. OCRA helped Nathan's parents prepare to self-advocate at the IEP meeting to try to resolve issues at the lowest level. OCRA provided the law sections that Nathan's parent used in the meeting and helped plan their arguments. Nathan's parents asked for two independent educational evaluations: one for behavior and one for a special circumstance instructional assistant. The school agreed to pay for

the independent evaluations. The independent evaluators recommended a 1:1 aide. At Nathan's most recent IEP, the school agreed to fund and provide a 1:1 to help Nathan access his education.

**Kai Gets Occupational Therapy Assessment and Compensatory Education As School District is Ordered to Get Training.**

Kai is a skilled craftsman, expert angler, and a respected youth leader of his tribe. Kai is autistic and can get overwhelmed by the sensory parts of the classroom environment. Over a year, Kai's parents made verbal and written requests to the school district to complete an occupational therapy assessment for Kai. Kai's parents made this request in several IEP team meetings. The school district would only agree to "come up with a plan on how to assess" but never completed the assessment. OCRA filed a state compliance complaint with the California Department of Education on Kai's behalf and on behalf of all students similarly situated in the district. The State found that the district failed to timely assess Kai. The State ordered the school district to complete the assessment and give compensatory education and services to Kai. The State also ordered all district administrators and staff responsible for implementing the district's assessment obligations to get professional training.

**Yuri Gets a New School Placement with Transportation Services.**

Yuri faced severe bullying by other high school students throughout his entire 9<sup>th</sup> grade year and into the beginning of 10<sup>th</sup> grade. The bullying included both physical violence and verbal abuse. Yuri's mother speaks an Indigenous language. Despite her language barrier, she brought the bullying to the school's attention. Unfortunately, the school staff minimized the incidents and failed to properly address the bullying. Yuri feared going to school and was so traumatized that he eventually stopped going altogether. Yuri's mother got counseling through a private mental health provider to help her son. She also asked for the school to locate a more appropriate placement. The school refused to locate a new school placement for Yuri and instead encouraged Yuri's mother to find a placement on her own. The school also refused to provide transportation to any new school placement. OCRA represented Yuri at an IEP meeting. At the IEP meeting, OCRA advocated for the school district to find a new school placement, provide transportation, conduct a mental health assessment, and provide compensatory education for the time that Yuri was not attending school. Yuri is now attending a new school and is doing

well. The school district is also providing transportation. OCRA continues to work with the school district to complete the mental health assessment and determine what compensatory education services the school will give him.

### **Nancy's School Begins Triennial Special Education Evaluations.**

Nancy's father contacted OCRA for help accessing protective supervision through the In-Home Supportive Services (IHSS) program. While supporting Nancy's father in gathering the information for IHSS, OCRA noticed Nancy's school had not done triennial evaluations for the past 6 years. OCRA told Nancy's father the school should have done evaluations every 3 years and advised him to ask for the evaluations. Nancy's father reported back that the school district started the evaluations. Nancy is on her way to getting appropriate support and services at school.

### **Suzanne Gets Compensatory Education Minutes.**

Suzanne is a high school student who lives at home with her monolingual Spanish-speaking family. Suzanne has an IEP, but was not getting a free, appropriate public education for almost two years before contacting OCRA. Part of Suzanne's disability includes behavior issues at home and at school. Her behaviors caused her to miss school because they increased in the mornings before school. This created a barrier for her to get to school. The school failed to call an IEP meeting to address her behavioral needs that happened before school because they were at home, even though they caused her to miss school for almost two years. OCRA filed a compliance complaint with the California Department of Education (CDE) on Suzanne's behalf. The CDE found that the school failed to provide the services in Suzanne's IEP. They ordered the district to send its staff a letter explaining it is responsible to support Suzanne with behavior at home since it affects her school attendance. The CDE also ordered the district to give Suzanne compensatory services: 48 hours of specialized academic instruction and 60 minutes of behavioral intervention services. Suzanne will now receive the supports and services she needs to thrive.

### **Alex Gets Specialized Transportation from School District.**

Alex took the school bus every day to school. The bus route included a transfer stop. Alex had behaviors related to his autism. The school warned Alex that if his behavior did not change, he could not ride the bus anymore.



One morning, the school bus driver left Alex at the transfer site with no way to get home or to school. The bus driver left him there because Alex did not get a “behavior citation” signed by his parents. Alex’s parents contacted OCRA to get help with Alex’s school transportation. OCRA wrote a letter for Alex’s parents to submit to the school that outlined Alex’s need for transportation that did not expose him to loud noises, bullying classmates, and unstructured environments. The school agreed to give Alex specialized transportation. With the specialized transportation, Alex’s mornings became easier, and he had fewer behavior issues on the bus. This also resulted in fewer behaviors in class because Alex arrived at school calmly.