

I. INTRODUCTION

Protection and Advocacy, Inc. (PAI) provides state-wide clients' rights advocacy services for regional center consumers pursuant to a multi-year contract, HD069010, with the Department of Developmental Services (DDS) through its Office of Clients' Rights Advocacy (OCRA). The contract was renewed effective July 1, 2006, for a 5-year period. This is the first Annual Report under the new contract.

OCRA takes great pride in its accomplishments. The statistics and work product for the past year, which are discussed throughout this report, give ample evidence of continuing effective advocacy. During the past year, OCRA resolved over 8,522 issues for consumers and participated in 383 trainings presented to approximately 18,675 people. Projecting the value of OCRA's services from the third quarter of the contract year shows that OCRA obtained tangible services for consumers, excluding any obtained from regional centers, worth an estimated \$1,366,560. This is for one quarter only and does not include intangible benefits such as less restrictive placement, consumer choice, and other important intangible benefits for consumers.

OCRA currently operates 23 offices throughout the State of California, most of which are staffed by one CRA and one Assistant CRA. A list of the current staff and office locations is attached as Exhibit A.

PAI greatly appreciates the support and efforts of DDS and the regional centers in OCRA's performance of this contract. Without support from those agencies serving people with developmental disabilities, OCRA's efforts to ensure the rights of people with developmental disabilities throughout the State of California would not be so successful.

II. PERFORMANCE OBJECTIVES

PAI's contract with DDS requires performance outcomes, as established in Exhibit E, Page 6, Paragraph 3, of the contract. Each of the specific required outcomes is discussed in the following Sections A through F. The contract does not set specific numbers for performance for the outcomes. OCRA is

willing to establish specific numbers in consultation with DDS, if it so desires.

A. Services are provided in a manner that maximizes staff and operational resources.

OCRA continues its tradition of serving a large number of people with developmental disabilities. OCRA handled 8,522 issues for regional center consumers during the first year of the contract. The breath of issues in these cases is staggering and reflects the need for staff to know the current law that affects people with developmental disabilities in an extremely large number of areas. The statistics, attached as Exhibit B, are discussed below and show the wide variety of issues and the large number of cases handled by OCRA staff.

1) Advocacy Reports.

Each advocate provides on a quarterly basis a summary of at least one case that has unique situations from which others can learn and that can be used as examples of the advocacy that OCRA accomplishes. The summaries for Spring, 2007, and Summer, 2007, are compiled and attached as Exhibit C. OCRA is extremely pleased that such outstanding examples of advocacy are available to show the value of the work that OCRA accomplishes. A few examples of the advocacy:

Student Receives Assistive Technology, Staff Training on Muscular Dystrophy and Weekly Counseling Sessions.

M.S. is a high school student with a diagnosis of muscular dystrophy and a cognitive disability. The school refused past requests by the parent to have the teaching staff receive training on muscular dystrophy to better understand and provide for the student's unique needs. The school also declined the parent's requests that her child receive an assistive technology assessment in order to address the student's increasing needs for communication. The CRA met with the student, parent and a behaviorist to address the child's needs for educational and related services. The CRA wrote a letter to the high school district and represented the parent at an IEP meeting. At the IEP meeting, the school district agreed to fund a training for staff on muscular dystrophy, fund an assessment for assistive technology, re-train staff on operating the Hoyer lift and provide a school psychologist to meet weekly with the student.

OCRA Wins Unemployment Overpayment Hearing.

D.C. contacted OCRA regarding an Unemployment Insurance (EDD) 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.

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 issues and the overpayment was waived in its entirety.

Client Awarded SSDI.

S.H. had worked as a courtesy clerk for Ralph's for eleven years when she called OCRA seeking assistance in appealing the Social Security Administration's (SSA) recent denial of Social Security Disability Income (SSDI) benefits. SSA claimed that S.H. was not disabled because she had engaged in substantial gainful activity (SGA). OCRA represented S.H. at the appeal, where the judge noted that, although S.H. met one of the disability criteria under federal law, her earnings did put her over the SGA limit. The Clients' Rights Advocate (CRA) requested that the record be kept open for two weeks so the CRA could provide additional evidence.

The CRA visited S.H.'s place of work and interviewed her supervisor and a cashier who has known S.H. for eleven years, both of whom provided declarations stating that S.H. could not do all of her work without help, and that her job was really a sheltered work environment. After giving the declarations to the judge, he made a fully favorable decision, giving S.H. SSDI benefits back to July, 2002.

Housing Discrimination.

An apartment manager refused to rent an apartment to S.G.'s family, making discriminatory comments about S.G.'s disability. 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 advised that OCRA was prepared 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.

Child Fully-Included into a Regular Classroom.

A.L. is in the first grade and was placed in a Special Day Class (SDC). The children in that placement have varying levels and types of need. As a result, A.L.'s mother felt that A.L. would be best served in a regular education classroom. The mother requested A.L. be placed into a combination kindergarten and first grade class. The school denied this request. The CRA advocated for a full inclusion assessment to be done and the district agreed. The inclusion specialist determined that despite A.L.'s unique combination of needs, he could be served in the regular education K-1 combo classroom. Through continued advocacy in the IEP process, the district eventually offered the requested placement with a full time 1:1 aide and all related services to be provided in the regular education classroom.

2) Analysis of Consumers Served.

OCRA handled a total of 8,522 cases from July 1, 2006, through June 30, 2007. This represents a significant provision of advocacy service. Included as Exhibit B is the complete compilation of data for the fiscal year. The data has been compiled by:

1. Age
2. County
3. Disability
4. Ethnicity
5. Gender
6. Living Arrangement
7. Type of Problem (Problem Codes)
8. Service Level

The majority of the OCRA statistics remain consistent with OCRA's

statistics for previous years. For example, the largest number of consumers served by age, 2,289 during this time period, has consistently been the 3-to-17 years-old age group. The next largest is the 22-40 age group with 1,167 people served. The ratio of males to females served also remains consistent. For those cases where gender is recorded, OCRA has traditionally served more males than females, with 64 percent of the consumers served being male and 36 percent being female. This roughly corresponds to the percentage of regional center consumers who are female versus male. As of June, 2007, 61.01 percent of all regional center consumers were male and 38.99 percent female.

The percentage of consumers residing in the parental or other family home remains by far the largest number of consumers served with 5,666 consumers in the family home or 66 percent of the cases handled. The next largest group served is those living independently, with OCRA serving 1,031 people or 12 percent with this living arrangement.

OCRA's statistics on the ethnicity of consumers served for the year, show OCRA's continuing commitment to serve underserved communities.

The percentage of consumers from various ethnicities served by OCRA was:

| Ethnicity | % OCRA Clients 7/1/06 - 6/30/07 | % RC Clients June 2007 |
|--------------------------------------|---------------------------------------|------------------------------|
| Afro-American | 9 | 10.43 |
| Latino | 29 | 31.67 |
| American-Indian or Alaskan Indian | 1 | .41 |
| Asian | 5 | 5.83 |
| Pacific Islander | 1 | 2.44 |
| White | 44 | 42.14 |
| Multicultural (Self-Identify) | 3 | Not listed |
| Refused to State/Other | 8 | 7.08 |

OCRA's statistics show that OCRA's service to various ethnicities is close to parity with the number of consumers of each ethnicity served by the regional center.

The types of problems which the offices handle remain fairly consistent. OCRA handled, during the fiscal year, 2,151 special education cases, 2,328 regional center matters, and almost 1,000 cases dealing with income maintenance, which includes Social Security and In-Home Support Services, over 300 cases each in the areas of health issues, conservatorship, and consumer finance, almost 300 in abuse and housing, and over 200 cases each in the areas of placement, legal representation and family law.

3) Outreach/Trainings.

OCRA recognizes that outreach and training are an essential part of providing effective advocacy for regional center consumers and also recognizes that trainings are one of the best ways to maximize staff and operational resources. Therefore, OCRA offers training on a wide variety of issues to a large variety of participants, including consumers, parents, regional center staff, vendors, and other interested people. Topics covered include, but are not limited to, consumers' rights, abuse and neglect issues, special education, voting rights, SSI, and conservatorships, among other topics.

During the last year, OCRA presented at 383 trainings with a total attendance of approximately 18,675 people at the various trainings. This is an outstanding performance by OCRA staff.

OCRA understands the need to provide assistance to individuals from traditionally underserved communities. To further the goal of meeting this need, OCRA has each office target at least three outreaches per year to a specific group of persons who are underrepresented in the office's catchment area. To help with this, OCRA has appointed Lisa Navarro as the northern California Outreach Coordinator and Emma Hambright as the southern California Outreach Coordinator. The coordinators advise staff in implementation of their target outreach plans. Based upon an evaluation of the original outreach plans' results, and using new census data and updated figures from DDS regarding the ethnicity of consumers served by each regional center, the OCRA offices update their target outreach plans on an annual or bi-annual basis. A detailed report on target outreach and training is included as Exhibit D.

Under the new contract, OCRA is required to submit to DDS copies of training materials used. In discussions with DDS, it was agreed that OCRA would submit a copy of each of the sets of materials used for self-advocacy

trainings and a sample copy of materials used in other major trainings. Many of the packets are translated into Spanish or other languages spoken by the people who are targeted to attend a training. The requested publications are submitted with this report in a separate binder marked OCRA Training Materials and include a sample of both English and translations into other languages.

B. Issues and complaints are resolved expeditiously and at the lowest level of appropriate intervention.

From July 1, 2006, through June 30, 2007, OCRA resolved 8,522 issues for consumers. Of those served, all but 146 were resolved informally. This means that 98.3 percent of all the matters that OCRA handled were resolved informally. Data showing this is attached as Exhibit E.

C. Collaborative and harmonious working relationships are fostered.

OCRA staff makes every attempt to foster collaborative and harmonious working relationships with the consumers and parents who OCRA serve, regional center staff, stakeholders, and members of the general community. This philosophy is not only incorporated into PAI's contract with DDS, but also represents an internalized recognition that some of the most effective advocacy takes place at the level of interpersonal relationships and informal advocacy. The success of this philosophy is demonstrated by the number of calls we receive, by OCRA's many successes, and by its recognition as an excellent resource for people with developmental disabilities. Specific examples of collaboration, in addition to those discussed in sections above, are discussed below.

1) Memorandums of Understanding.

OCRA has established Memorandums of Understanding (MOUs) with each regional center that address that center's individual needs, concerns, and method of operation. MOUs are updated as needed. As part of the implementation of the current contract, the director of OCRA is meeting with each of the regional center directors or designees to revise the existing MOUs. Copies of all MOUs have been forwarded to DDS. The status of each revised MOU is discussed in Exhibit F.

In general, the meetings regarding the MOUs have been productive and extremely congenial. It is clear that OCRA's working relationship with the various regional centers has become well established and that concerns between the two agencies can be addressed with minimum difficulty in almost every situation.

2) Meeting with Association of Regional Center Agencies (ARCA).

Catherine Blakemore, PAI's Executive Director, Jeanne Molineaux, Director, OCRA, and Bob Baldo, Executive Director of the Association of Regional Center Directors, met on December 4, 2006, to discuss an issue of concern. The matter was resolved and there are no outstanding issues at this time. Further meetings with ARCA will be convened, should concerns arise.

D. Consumers and families are satisfied with the services provided.

PAI recognizes that consumer satisfaction is a primary goal for the people whom it serves. OCRA is committed to reaching consumers and parents in a manner and with results that ensure consumer and family satisfaction with the services provided.

1) Consumer Satisfaction Survey.

OCRA measures consumer satisfaction by use of an instrument developed jointly by staff, the Consumer Advisory Committee, and DDS. From the results of the most recent survey, it is clear that consumers remain extremely satisfied with the services provided by OCRA.

One thousand and ninety-four surveys were mailed out. 231 people returned the survey. This represents a 21 percent return rate of the surveys. Of those responding to the questions, 93 percent of the responders felt they were treated well by the staff, 92 percent understood the information they were provided, 93 percent believed their CRA listened to them, 86 percent believed they were helped by the CRA, and 92 percent would ask for help from OCRA again. See Exhibit G, which discusses the results of OCRA's survey.

2) Letters of Appreciation.

OCRA staff receive many letters of appreciation from consumers and others. Below are quotes from a few of the letters¹:

Thank you so much for all you have done to help us over the past couple years. You are such a sweet and caring person and it has been a pleasure working with you. We truly appreciate all your time and effort. The sympathy and understanding you have shown regarding all of ___'s issue has been wonderful. Thanks again....

Palpitations are happening-we look forward to seeing our boy this Friday and will make the group home visit, too. Thank you for keeping the ducks in a row.

Words can hardly express our gratitude for your participation in Tools for Transformation. We know how difficult it is to take time out of your busy schedule, particularly on a weekend, to volunteer at community events. However, your participation was invaluable. We have received an overwhelmingly positive response from all in attendance. Indeed, your presence changed lives.

My name is also Alexis and you helped me yesterday just minutes before our IEP. It was our fifth one concerning the Assistive Technology equipment. I told them everything you told me to mention and it worked! My son is getting the equipment! What a feeling! Thank you so much for going the extra mile in such short notice. You've helped give my son a step up so that he can reach his General Ed classroom's curriculum. Thank you! Thank you! Thank you!

Through your actions, families will realize their dream...Of having their children realize their full potential, of having their children respected for all that they bring to us, and of having their children grow up to become self-confident and healthy adults. Thank you for sharing your expertise with us.

¹ Quotations are repeated as stated in the letters, except for the deletion of names.

Thank you so much all your hard work, support, and kindness. Words cannot express how thankful I am for all your assistance regarding my identity theft issue. I really do believe you went well beyond the scope of your job. I am very grateful for all your efforts!...The representatives for the lawyers suing me said it was some of the finest legal paperwork she had ever seen. Than you again for everything! I could not have resolved this issue without you! I look forward to being a debt free individual soon.

We would like to thank you for the wonderful rights seminar that you gave in Santa Monica. The seminar was highly informative and entertaining as well. We were also fortunate (the staff) took time to talk with parents after the event. Parents were delighted to learn about (OCRA) and consider it a valuable resource for the special education community. We have received lots of positive feedback and numerous requests for another seminar. From now on, we will refer to the three of you as the Special Education Legal Dream Team.

I received your letter with the good news. I thank you so very much for you help, without you I never would be a winner. All the time and effort you spend for (our) case. Congratulation! It was always a great please when we got together. I chickened out and you did the talking for me. Justice was done.

Mil, gracias por ayudarme con el (name deleted) para el Raspiro de mi hija. Aly y yo le damos las gracias por su valiosa ayuda y aprovecho tambien por el apoyo tan grande que nos da para Fiesta educative. Que dios la bendiga a usted y su families. (Many thanks for helping with the Respite for my daughter. (My daughter) and I would like to take this opportunity to thank you for your valuable assistance and the great support you give to us for Fiesta Educative. May God bless you and your family.)

Thank you for your fine work on behalf of my sister. It would have created a great hardship for her and...if the Administrative Law Judge's original opinion had prevailed. My family and I are grateful you knew the law better than he....

Thank you so much for representing (us) and help(ing) during the IEP meeting and advices. We always greatfull for your hardwork and sincerd. It means a lots to us. Thanks so much for people like you in this world.

Appreciate your email and phone call with great suggestions. However, your confidence in me that I know (my daughter) best gave me the wherewithal to put together what I need to do. Can't thank you enough.

As we come to an end of another year I certainly did not want to forget to write this letter. This letter is sincerely from the heart and my intention for writing this letter is to let OCRA Supervisors, and Administrators know that I acknowledge (advocate's name) for her commitment to my family. As a parent of a child with disabilities I am aware that we never stop learning, constantly seeking prayer, hope, information, and support. May we begin the 2007 New Year giving thanks for the many dedicated OCRA staff that assist parents and our children.

3) Cases will be handled in a timely manner.

It is important that advocacy services be provided in a timely manner. Consumers and families are frequently in emergency situations, in danger of losing their placement in the least restrictive environment, losing their source of income, unable to get their medical needs met and a myriad of other dangerous or difficult situations. For this reason, OCRA has, since its establishment, had a policy that all calls will be returned as soon as possible, but not later than closing of the next business day. OCRA measures its performance in this area by use of its consumer satisfaction survey, see Exhibit G, discussed more fully above. OCRA statistics shows that 86 percent of all callers to OCRA received a call back within two days during the fiscal year. This level of performance provides verification that cases are resolved in a timely manner. OCRA will continue to train on this requirement to ensure that it provides exceptional services for all callers.

E. The provision of clients' rights advocacy services is coordinated in consultation with the DDS contract manager, stakeholder organizations, and persons with developmental disabilities and their families representing California's multi-cultural diversity.

OCRA works through the OCRA Advisory Committee to ensure that this performance outcome is achieved. Attached as Exhibit H is a list of the members of the committee effective June 30, 2007.

Members of the Advisory Committee are appointed by PAI's Board of Directors. In the selection process, the Board considers geographical diversity, both rural and urban and north and south, type of developmental disability represented, and ethnic background, in addition to the qualifications of the individual applicants. The current committee has four consumer members and four family members. In addition, some of the members are also members in stakeholder organizations.

The OCRA Advisory Committee is a knowledgeable, constructive, and helpful group of volunteers who continue to provide valuable guidance to the OCRA staff. The meetings are lively and informative and provide a forum for exchange of ideas and information. Minutes for the meeting held in Los Angeles on December 2, 2006, were previously submitted. Minutes from the meeting of May 22, 2007, are also attached as Exhibit H.

PAI has made a decision to conduct OCRA Advisory Committee meetings by videoconference from the PAI offices in Sacramento, Los Angeles, Oakland and San Diego. Additionally, Kern Regional Center has agreed to let OCRA use its video conferencing equipment in Bishop, as one of the committee members lives in that town. OCRA staff believe that the exchange of information can be conducted as well by video conferencing as if the entire committee were together. This is anticipated to save OCRA significant amounts of money over the next year. The final meeting for 2007 has been set for November 2, 2007. DDS staff is invited and encouraged to participate in any of the meetings.

F. Self-advocacy training is provided for consumers and families at least twice in each fiscal year.

Welfare and Institutions Code, Section 4433 (d)(5), requires that the contractor providing advocacy services for consumers of regional center services provide at least two self-advocacy trainings for consumers and family members. PAI's contract with DDS mirrors this language. OCRA has been proactive in this matter and requires each of its offices to provide at least one self-advocacy training for consumers a year. Many offices provide

more than one training. Self-Advocacy trainings held last year are described in Exhibit I.

To date, OCRA has developed five separate packets of information for OCRA staff to use in the mandated trainings:

Clients' Rights Information (Several versions of basic materials are used.)

Voting Rights

Clients' Rights Bingo

Hands off My \$\$\$

Being Your Own Boss

Samples of the packets (most are in both English and Spanish), are being provided separately in a binder marked OCRA Training Materials. OCRA welcomes comments from DDS. An advocate may use information from any packet in presenting his or her self-advocacy training to consumers. Additionally, OCRA is required to report in its Annual Report an evaluation of the trainings. OCRA has randomly selected consumer training satisfaction evaluations and included copies of them in the OCRA Trainings Material binder. Almost without exception, consumers are pleased with OCRA's self-advocacy trainings.

III. SECTION 50540 COMPLAINTS

CCR, Title 17, Section 50540, sets forth a complaint procedure whereby a regional center consumer, or his or her authorized representative, who believes a right has been abused, punitively withheld or improperly or unreasonably denied, may file a complaint with the Clients' Rights Advocate. The Complaint process is similar to that established by the Welfare & Institution Code, Section 4731. However, the later law offers more consumer protections. There were no Title 17 complaints filed during the last fiscal year.

IV. DENIAL OF CLIENTS' RIGHTS

CCR, Title 17, Section 50530, sets forth a procedure whereby a care provider may deny one of the basic rights of a consumer if there is a danger to self or others or a danger of property destruction caused by the actions of a consumer. The CRA must approve the procedure and submit a quarterly

report to DDS by the last day of each January, April, July, and October. OCRA is including the reports concurrently with the contractual date to provide OCRA's reports. If this is not acceptable to DDS, OCRA will submit duplicate reports as requested. Attached as Exhibit J is the current log of Denials of Rights from the OCRA Offices.

V. CONSUMER GRIEVANCES

Exhibit A, Paragraph 12, of the contract between DDS and PAI requires OCRA to establish a grievance procedure and to inform all clients about the procedure. DDS has approved the grievance procedure developed by OCRA. The procedure is posted prominently in both English and Spanish at each office. Additionally, the grievance procedure is included in all letters to consumers or others who contact OCRA, when an office declines to provide the requested service to that person.

Four grievances were filed by consumers or their families against OCRA during the past year. The actions of OCRA were upheld in all of the grievances. Information concerning the grievances has previously been submitted to DDS. Attached as Exhibit K is a chart detailing the grievances filed against OCRA during this period.

VI. COLLECTION OF ATTORNEYS FEES

OCRA does not charge consumers, their families or advocates fees for services nor does OCRA seek to recover costs from these individuals. Clients' Rights Advocates who are licensed to practice law in California, or Assistant or Associate Clients' Rights Advocates working under the supervision of an attorney, can collect attorney's fees and costs similar to those collected by private attorneys or advocates for special education cases or other cases where there are statutory attorney's fees. OCRA collects fees only in special education cases or Writs of Mandamus. Fees and costs may be negotiated at mediation or can be received in those cases where an Administrative Law Judge has made a determination that the petitioner is the prevailing party. Fees are collected from the opposing party, which is normally a school district. Costs include any expenses to the Petitioner or OCRA for suing, such as filing fees or costs of expert evaluations. Neither PAI nor OCRA ever collect attorney's fees from consumers.

The amount collected for any individual case depends upon several factors such as the geographical location where the consumer lives, and the years of experience of the attorney who handled the case. Attached as Exhibit L is a chart showing the amount and source of any attorney's fees collected by OCRA during the past fiscal year.

VII. RECOMMENDATIONS FOR ENHANCEMENT OF SERVICES

The contract between DDS and PAI requires that on an annual basis PAI make recommendations to DDS as to potential methods of enhancement of the services that OCRA provides for regional center consumers. In the past, OCRA has expressed concerns about the number of consumers who request a greater level of service than OCRA is able to provide due to lack of sufficient staff. OCRA has been especially concerned that one advocate is mandated to serve the consumers of each regional center even though the number of consumers that a regional center serves may vary by thousands of people. Additionally, at several offices, the number of calls for advocacy services is extremely high. PAI can only theorize why some offices have consistently for years received extraordinary requests for services.

OCRA recognizes and is extremely appreciative of the fact that DDS has consistently supported this organization in its efforts to provide effective statewide advocacy to all consumers. PAI will continue to explore with DDS ways in which OCRA can increase services at the larger regional centers or those offices receiving an extraordinary number of requests for services.

PAI remains extremely appreciative of the state's on-going confidence placed in OCRA's ability to provide advocacy services to people with developmental disabilities.

VIII. CONCLUSION

OCRA's statistics show its staff's continuing commitment to the protection of the rights of people with developmental disabilities. OCRA handled over 8,522 cases the last year, provided 283 trainings to over 18,675 people, and met each of its performance objectives. OCRA remains dedicated to ensuring that the rights of all of California's citizens with developmental disabilities are enforced.