

Special Education for CASA of Los Angeles

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Tonight's Agenda

- Provide an Overview of Disability Rights California
- Discuss DRC's Different Units Impacting Youth with Disabilities
- Describe DRC's LA-area cases
- Go Over DRC Resources for Foster & Juvenile Involved Youth
- Discuss Special Education During COVID-19
- Discussion/Q&A session

Disability Rights California

Our Mission as an Organization:

- Disability Rights California advocates, educates, investigates, and litigates to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.

Disability Rights California

- DRC is the State’s Protection & Advocacy Agency
 - Every state has a “P&A”

- Mandated by federal law to investigate allegations of abuse and neglect in any facility serving individuals with disabilities (including schools)

Legal Advocacy Unit (LAU)

- The LAU is the part of DRC that provides legal services
- Made up of several “practice groups”:

 - Youth
 - Civil Rights
 - Mental Health/Institutions
 - Pathways to Work
 - Healthcare
 - Voting
 - Investigations
 - Intellectual/Developmental Disabilities

Office of Clients Rights Advocates (OCRA)

- OCRA is a separate unit funded by the California Department of Developmental Services (DDS)

- OCRA provides legal services to consumers of all 21 regional centers throughout California.

- OCRA has a Clients’ Rights Advocate (CRA) designated for each regional center catchment area. The CRA helps with legal problems, conducts trainings, and investigates denials of rights.

Youth Practice Group

- Youth Practice Group (YPG) ensures students with disabilities benefit from the vast array of educational services and supports guaranteed under the **Individuals with Disabilities Education Act (IDEA)**.
- YPG works to remove barriers for students with disabilities so they can learn, play, and participate in extracurricular activities in neighborhood schools with their peers.
- Our work includes due process and compliance complaints, litigation and systemic advocacy.

Youth Practice Group

- Types of cases we do not usually take: Student seeking nonpublic schools, private schools or residential treatment centers; personal injury cases for money damages; criminal cases

YOUTH PRACTICE GROUP CASES AND PROJECTS

A.P. v. Pasadena Unified Sch. Dist. (C.D. Cal. 2016)

Problems:

- PUSD has a high concentration of group homes (4x state rate of foster youth) & serious budget issues
- Uses Focus Point Academy as de facto placement for youth with behavioral and emotional disabilities
- PUSD's neighborhood schools not equipped with proper supports

A.P. v. Pasadena Unified Sch. Dist. (C.D. Cal. 2016)

- DRC sued in February 2016 under Title II of the Americans with Disabilities Act on behalf of several youth stuck at Focus Point
- Settled in 2019; expert is now in the District doing a program evaluation with goal of improving students' access to the general education environment

Katie A. v. Bonta (C.D. Cal. 2002)

- Long-running class action challenging LA County's failure to provide home- and community-based mental health services to foster youth
- Case settled in 2011 and expanded availability of intensive home- and community-based mental health services to the class.
- Two main services are Intensive Home-Based Services (IHBS) and Intensive Care Coordination (ICC)

Katie A. v. Bonta (C.D. Cal. 2002)

- In late 2019, LA County filed a motion to end the settlement
- We recently reached a settlement with commitments to expand IHBS and ICC, reduce placement disruptions, and refer for MH services quicker
- New provisions for foster youth with co-occurring I/DD and MH disabilities, including regional center referrals, staff training, and IPP participation.

Juvenile Reentry Project (Started 2019)

- This project focuses on ensuring youth with disabilities successfully transition back to their neighborhood school when they are released from juvenile hall
- Studies found that 25% of California youth were not reenrolled within a month of their exit from juvenile hall
- State law requires County Probation Offices and County Offices of Education to have "Joint Transition" Plans (but school district is a loophole)

Juvenile Reentry Project (Started 2019)

- Definition of Foster Youth in CA includes juvenile-involved youth, so they share same rights:
 - Right to Remain in School of Origin
 - Right to Immediate Enrollment, etc.
- Project so far has focused on Santa Clara County, but we handle cases across the entire state

**COVID-19 SPECIAL EDUCATION
RESOURCES**

**Senate Bill 98 – Emergency IEPs
(Ed. Code Sec. 56345)**

- State law passed in June 2020
- Applies when schools closed for 10+ days due to emergency
- Must update IEP to describe how services will be delivered:
 - Special education instruction and related services
 - Supplemental aids and services
 - Transition services
 - Extended school year (ESY)
- Emergency plan must be in place by student’s next annual IEP

**CDE Guidance: In-Person Services and
Assessments**

- In “exceptional circumstances,” in-person services allowed to maintain student’s health/safety during distance learning
- [Essential Critical Infrastructure Workers](#)
 - Social workers
 - Speech/occupational/physical therapists
 - Nurses
 - Behavioral health workers
 - Family care or respite providers
- Schools may conduct special education assessments in person if done in compliance with public health guidance. Schools may also conduct assessments virtually or rely on existing data if testing is not possible.

DPH Guidance: Small Cohort Settings

- Cohort Guidance authorizes small-group, in-person services in controlled, supervised, school settings.
- Maximum 14 students & 2 adults
- No mixing between cohorts, with exception of 1:1 specialists
- Follow safety protocols (distancing, face coverings, cleaning etc.)
- Not dependent on county health orders
- LEAs are not required to offer cohort education. Districts must opt in.

The detailed guidance can be found at:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>.

Advocacy Tips for CASAs

- Put your service or assessment requests in writing
 - Your school must provide a Prior Written Notice (PWN) explaining why it is accepting your rejecting your request. Make sure everything is in writing
- Keep data and records
 - Services Log
 - Work samples
- Read the IEP notes and make changes if necessary
 - Parent Addendum
 - Limited consent

Advocacy Tips for CASA

- Pursue complaint options if necessary
 - Due Process Complaint with the Office of Administrative Hearings
 - Compliance Complaint with the California Department of Education
 - Discrimination Complaint with the U.S. Office for Civil Rights

Review DRC's SERR Manual for information regarding complaints.

What If MY Child Can't Wear a Mask in School?

- Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act require schools to provide reasonable accommodations.
- You can ask the school for a reasonable accommodation to a face mask requirement if your child cannot wear one (for example, using a face shield instead). What is "reasonable" depends on the situation.
- This does not mean your child has the right to go to school without a mask. This may risk the health and safety of others.

Summary of Resources

- DRC Intake Line:
1-800-776-5746
or TTY call: 1-800-719-5798
Available M-F, 9am - 4pm

SERR Manual (English & Spanish):
<https://serr.disabilityrightsca.org/>

Summary of Resources

- CDE, COVID-19 Special Education Guidance:
<https://www.cde.ca.gov/ls/he/hn/specialedcovid19guidance.asp>
- DRC COVID-19 Special Education Page and Form Letters:
<https://www.disabilityrightsca.org/post/coronavirus-k-12-education>
 - Request for IEP Services, IEP Meeting, and IEP Assessment
 - Assessment Non-Compliance Letter
 - Limited Consent Form and Service Log
- DRC Facemask Publication:
<https://www.disabilityrightsca.org/post/know-your-rights-face-coverings-during-covid-19>

Questions?
