



Unit 9- Integration With Other Systems

Special Education Advocacy Training
A Comprehensive 3-Day Seminar Presented by Fiene Thomas Foise, JD, Ph.D.

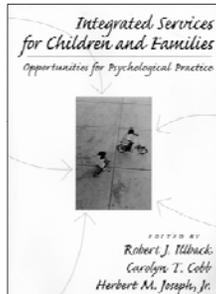
Unit 1: Introduction to special education advocacy. Demographics, glossary and acronyms. Eligibility assessment criteria. Comparisons with DSM-IV diagnostic categories.	Unit 4: De-mystifying and understanding the math, purpose and goals of psychological and educational assessment tools in educational settings	Unit 7: The IEP team process, goals and objective writing, and measuring success or failure. Behavior problems, special discipline rules, stay put orders, and the functional assessment of behavior
Unit 2: Free and Appropriate Public Education (FAPE), the Rowley decision. Least Restrictive Environment (LRE). Aids and Services.	Unit 5: Survey of specific psychological and educational assessment tools of and	Unit 8: Dealing with due process litigation.
Unit 3: Life Span goals and objectives, developing the big picture for the child.	Unit 6: Preparing a report. Testimony on direct and cross examination at hearings.	Unit 9: Integration with other systems. Regional center issues and the IPP. Section 504 of the Rehabilitation Act of 1973, The ADA, and more.



1

Integrated Services for Children and Families

- The creation of this program was inspired by the APA publication "Integrated Services for Children and Families: Opportunities for Psychological Practice" Edited by Robert J. Illback, Carolyn T. Cobb, and Herbert M. Joseph.



2

Cadillac or Chevrolet?



- Advocating for a special needs child requires a great deal of involvement with the special education system, and that has been the focus of our workshop in the prior units.
- Remember however that under the Rowley decision, special education provides only a minimum standard of educational benefit. Schools are not required by law to maximize the potential of your child.**
- For many parents, **this minimal standard falls short** of the desired remediation effort for their child. Therefore, you may wish to pursue additional services from additional systems in order to compliment what special education provides. Further it is often not cost effective to take school districts to due process.

3



Parent Participation and Survival

Parents work in at least these roles:

- Parent as **Financial Provider**
- Parent as **Educator**
 - Outcome Studies show parents to be just as effective as professional Speech and Language Therapists when properly guided. How about O.T.
- Parent as **Manager**
 - Biggest mistake, failure to hold everyone accountable for a result.



Parent Conservation Measures

- Keep an **optimistic state of mind**. (Be careful what you wish for you might get it!)
- There will be medical and other technologies developed in the next 50 years that will make a big difference.
- Keep a good **focus on your energy level**.
- **Do not allow it to be unnecessarily consumed**.
- **Keep a sense of humor**.
- You will benefit from **belonging to a support group** preferably with parents who's children have the same diagnosis as yours.
- **If you feel you cannot cope, seek solutions early, including rest, respite, therapy when needed.**



5

If Parents Cannot Cope

- I place this as **the highest priority** preserving the health of the parents
- Sometimes **when I get a new case, the parents are in extremely bad shape**.
- **I STOP and work on recovering the parent's first**.
- **It often does not take much. They are very resilient**.
- **I get them to commit to spend some time taking care of themselves**, and the importance of their survival to the well being of their child.



6



Benefits Under Health Insurance



- Often benefits under group health insurance will be provided if **the proper wording** is used.
- Benefits typically require that the treatment be for an **illness or an injury**.
 - If a medical doctor **relates the diagnosis to an organic factor**, this makes a better case.
 - If a medical doctor **writes a prescription** for the treatment by a licensed professional it is more palatable.
 - A pediatrician who understands this “art form” will obtain the best solution.
- **Check the policy language** of what is covered, and see if there is a fit using proper language.

7

Group Health Insurance, AB 88



- In July 2002, the California passed a mental health parity law which was supposed to place mental health care on a parity with other medical conditions. This bill was heralded as a partial solution for parents of children with special needs. The concept was that these children would receive care on their private insurance that was previously not offered, or if offered had curtailed benefits.
- Thus far, **this act has had mixed results**. Group policies that arise out of large corporate employers fall under ERISA a federal act, and many of them claim they are exempt from the effects of California Law. Some voluntarily comply with the law for reasons I have yet to determine.
- **The full act is on the download site.**

8

Do Not Forget Section 504

- There are many times I used 504 in situations not covered by IDEA.
 - A learning disabled boy who could not play on the football team because his grades were not high enough.
 - An autistic child who was not allowed in an afterschool day care program (paid for by parents) on campus.
 - Use of school district facilities (for a fee) during summer for a PAUSE4kids summer camp program.



9



The American's With Disabilities Act



- **TYPE/PURPOSE--A civil rights law** to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.
- **WHO IS PROTECTED?--Any individual with a disability who: (1) has a physical or mental impairment that substantially limits one or more life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Further, the person must be qualified for the program, service, or job.**

10

ADA, 504 and Religious Schools



- (1) **ADA protections apply to nonsectarian private schools, but not to organizations or entities controlled by religious organizations**
- (2) ADA provides additional protection in combination with actions brought under Section 504 and IDEA. Reasonable accommodations are required for eligible students with a disability to perform essential functions of the job. This applies to any part of the special education program that may be community-based and involve job training and placement.

11

504 - Parochial School Example



- 504 applies to organizations that directly or indirectly **receive Federal financial assistance.**
- **104.2 (h) "Federal financial assistance" means any grant, loan, contract..., or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:**
 - (1) **Funds;**
 - (2) **Services of Federal personnel; or**
 - (3) **Real and personal property or any interest in or use of such property, including:**
- Parochial schools often receive some form of federal financial assistance, grants, or the like.

12



Peanut Allergy Example

- Student was enrolled in private pre-school and had a severe peanut allergy.
- School did not want child in this school because they did not want to take the necessary precautions.
- Parent pressed the issue under ADA, and the school backed down and did everything that was necessary to protect the child.



13

Attorney Fees for ADA/504

- Both the ADA and 504 provide the recovery of attorney fees for the prevailing party in any action brought to enforce the provisions of the Acts.



14

http://www.dds.ca.gov

The screenshot shows the homepage of the California Department of Developmental Services (DDS). At the top, there is a navigation bar with links for Home, Early Start, Regional Centers, Developmental Centers, Volunteer/Provider, Consumer Contact, Site Index, and Links. The main content area features a 'Welcome to DDS' message, a 'What's New' section with a link to 'Agencies Update Plans & 2013-2014 Budget', and a 'QUICK LINKS' sidebar with various service categories. A 'MEDIACENTER' section is also visible, containing information about the Capitol People First Settlement Agreement.



The Lanterman Act



- Regional Center Services are governed by the Lanterman Act which commences at §4400 of the Welfare in Institutions Code.
- This Act was originated in 1967 under Governor Ronald Reagan to empty out State Hospitals.
- **WIC §4501. The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge.**

16

Five State Developmental Centers



- The Department of Developmental Services directly operates **five State Developmental Centers** located in **San Jose, Costa Mesa, Pomona, Porterville and Eldridge (Sonoma County)** and two smaller state-operated community facilities located in **Yuba City and in Cathedral City**.
- The developmental centers are licensed and certified as Nursing Facility (NF), Intermediate Care Facility/Mentally Retarded (ICF/MR) and acute care hospitals. The two smaller community facilities are licensed as ICF/MR facilities.
- These facilities provide an array of services and supports **for individuals in need of a secure environment, or who have special medical and/or behavioral program needs**. Admission to one of these facilities requires either a formal determination that the individual meets **stringent admission criteria, or a court order**.

17

21 Regional Centers



- California's has **21 regional centers** with more than **40 offices** located throughout the state that serve individuals with developmental disabilities and their families.
- Regional centers are **nonprofit private corporations** that contract with the Department of Developmental Services **to provide or coordinate services and supports for individuals with developmental disabilities**. They have offices throughout California to provide a local resource to help find and access the many services available to individuals and their families.

18



Five Categories - Eligibility



- WIC 4512. As used in this division: (a) "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a **substantial disability for that individual**. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include **mental retardation, cerebral palsy, epilepsy, and autism**. This term shall also include disabling **conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation**, but shall not include other handicapping conditions that are solely physical in nature.

19

Substantial Disability



- WI 4512 (l) "Substantial disability" means the existence of **significant functional limitations in three or more** of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: **(1) Self-care. (2) Receptive and expressive language. (3) Learning. (4) Mobility. (5) Self-direction. (6) Capacity for independent living. (7) Economic self-sufficiency.** Any reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible. (Prior to 2002 only one category was required)

20

But NOTE Federal Exception...

- WIC 4509(c) Notwithstanding subdivisions (a) and (b), for any organization or agency receiving federal financial participation under the federal Developmental Disabilities Assistance and Bill of Rights Act, as amended "developmental disability" and "services for persons with developmental disabilities" means the terms as defined in the federal act to the extent required by federal law.
- Section 102 of the Federal Act: "Definitions" defines (8) DEVELOPMENTAL DISABILITY:
 - (A) IN GENERAL. -The term "developmental disability" means a severe, chronic disability of an individual that-
 - (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (ii) is manifested before the individual attains age 22;
 - (iii) is likely to continue indefinitely;
 - (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:.....(same as Lanterman)

21



You Get “Services and Supports”



- W.I. 4512(b) “**Services and supports** for persons with developmental disabilities” means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, normal lives.

22

Definition of Services and Supports



-Services and supports listed in the individual program plan **may include**, but are not limited to, diagnosis, evaluation, **treatment**, personal care, **day care**, domiciliary care, special living arrangements, **physical, occupational, and speech therapy**, training, education, supported and sheltered employment, mental health services, recreation, **counseling of the individual with a developmental disability and of his or her family**, protective and other social and sociolegal services, information and referral services, follow-along services, adaptive equipment and supplies, **advocacy assistance**, including self-advocacy training, facilitation and peer advocates, assessment, assistance in locating a home,²³ child care,

Definition of Services and Supports

- **behavior training and behavior modification programs**, camping, community integration services, community support, daily living skills training, emergency and crisis intervention, facilitating circles of support, habilitation, **homemaker services**, infant stimulation programs, paid roommates, paid neighbors, **respite**, short-term out-of-home care, **social skills training**, specialized medical and dental care, supported living arrangements, technical and **financial assistance**, travel training, **training for parents of children with developmental disabilities**, training for parents with developmental disabilities, vouchers, and transportation services necessary to ensure delivery of services to persons with developmental disabilities.²⁴



Regional Center IPP Process



The Regional Center has a service contract with consumers called an Individual Program Plan or IPP. Typically a parent meets with a **service coordinator who asks “what is your desired outcome”** and to meet that outcome suggests a service. This produces a hit-and-miss outcome in my experience.

A few years ago I met with the Manager of the Ventura County Regional Center with P4K parents and complained and asked for a “Menu” of Services. The Manger was kind enough to meet our concern and publish this document, which is not available in statutes or regulations or other regional center offices. ²⁵

Regional Center Fair Hearings



- Consumers and their parents may have a Fair Hearing to resolve disagreements about services, eligibility or any decision or action of the regional center or state developmental center with which you disagree.
- The fair hearing process includes a voluntary informal meeting, mediation, and a fair hearing.
- Fair Hearings are Conducted by the Office of Administrative Hearings using essentially the same scheme of rules **except that no attorney fees or costs are awarded to the parent or consumer.**
- **Ask for forms, and file your request with the Fair Hearing Coordinator** at the local office.

26

The State Department of Rehabilitation

CA GOV DEPARTMENT OF REHABILITATION

Home | Community | Accessibility | Employment | Contact Us | Newsroom

California Department of Rehabilitation

The California Department of Rehabilitation works in partnership with consumers and other stakeholders to provide services and advocacy resulting in employment, independent living and equality for individuals with disabilities.

Apply for services with our [2025 Online Application](#), and/or find the [2025 Offices](#) nearest you.

Phone Hours:
All LASH Offices (except LASH) will be closed on the first and third Fridays of each month.

NEWS AND INFORMATION

- March 18, 2025 - 2025 Executive Planning Committee and 2025 Quarterly Meeting
- March 18, 2025 - Deal and Head of Hearing Adversity Committee (DHAC) Meeting

RECENT PUBLIC NOTICES AND INFORMATION

- Due to the ongoing cash shortage in California, the State is continuing to delay payments to providers for 90 days on most. Please check questions on specific OCR invoices to ocr@dmr.ca.gov. For the most updated State payment information, visit the State Controller's Office website at www.scc.ca.gov.
- [Speaking Hours, Questions and Answers, Consider Teleconferences on December 11, 12, 13, 2024 \(PDF\)](#)
- [Division Public Notice and Information](#)

RELATED LINKS

- Find Our District Office

<http://www.rehab.cahwnet.gov/>

27



Independent Employment - Vocational Rehabilitation What They Offer

- Counseling and guidance
- Referrals and assistance to get services from other agencies
- Job search and placement assistance
- **Vocational and other training services**
- Diagnosis and treatment of physical and mental impairments
- **Maintenance for additional costs while participating in the IPE**
- **Transportation, if needed**
- On-the-job or personal assistance services
- Interpreter services
- Rehabilitation and orientation/mobility services for individuals who are blind
- **Occupational licenses, tools, equipment, initial stocks and supplies**
- Technical assistance for self-employment
- **Rehabilitation assistive technology**
- **Supported employment services**
- Services to the family

28

Independent Living – What They Do



- **The Independent Living Section of the Department of Rehabilitation** is one part of California's independent living network, which includes 29 independent living centers (ILCs) and the State Independent Living Council (SILC).
- **The network is dedicated** to the ideal that communities become fully accessible and integrated **so that all persons with disabilities can live, work, shop and play where they choose, without barriers. DOR administers the program in California and provides technical assistance and financial support for the independent living centers**

29

Independent Living – What They Offer

- Peer Counseling
- Independent Living Skills Training
- Housing Assistance
- Information and Referral
- Individual Advocacy
- Systems Advocacy
- Assistive Technology
- Communication services
- Mental restoration
- Mobility training
- **Personal assistance service**
- Physical rehabilitation
- Prosthesis and other appliances
- Recreational services
- Therapeutic treatment
- Transportation services



30



IPE – Individualized Plan for Employment

PLAN FIRST!

- If you have applied for services, gone through the assessment process, are found eligible for services, and are placed in a priority category they are serving, the next step is developing an Individualized Plan for Employment, or IPE. The IPE is your written plan to find and keep employment. Your counselor will give you information throughout the IPE process so you can make meaningful choices about your plan. You and your counselor will discuss your unique strengths, resources, priorities, concerns, abilities, capabilities, and interests as you develop the plan.

31

DOR Fair Hearing



- At any time, **you can request a Fair Hearing**. This is your opportunity to present your case to the Rehabilitation Appeals Board.
- **You can also have an administrative review or mediation before the Fair Hearing.**
- The Board is composed of seven members who are appointed by the Governor. **The Hearing will be scheduled within 45 days of a request.**
- After the hearing, **a written, final decision will be made by the Board.**
- Requests for **Fair Hearing Forms** are available from the Department.
- A party has **6 months to appeal the Fair Hearing decision to the Superior Court.**

32

Government Code Linkage?

- GC 7577. (a) The State Department of Rehabilitation and the State Department of Education shall jointly develop **assessment procedures for determining client eligibility for State Department of Rehabilitation services** for disabled pupils in secondary schools to help them make the transition from high school to work. The assessment procedures shall be distributed to local education agencies. (b) The State Department of Rehabilitation shall maintain the current level of services to secondary school pupils in project work ability and shall seek ways to augment services with funds that may become available.

33



CFR Linkage



- IDEA requires...“The IEP must include...For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals.(34 CFR 300.320(b)(2);
- And the Rehabilitation Act of 1973 “ensure that Individual Plans for Employment (IPE) are developed and approved at the earliest date possible during the transition planning process, but, at the latest, prior to the time the student exits school.” (34 CFR 361.22(a)(2).”

34

California Children's Services (CSS)

- The goal of CCS is to locate California children who may need specialized medical care and encourage families with **children with physical disabilities** to obtain necessary medical services to maximize their children's potential.
- **Who is Eligible for CCS?**
 - If a **low income family** has a child with a **CCS medically eligible condition**, **CCS may authorize financial assistance for any necessary medical care**. CCS arranges and pays for diagnostic evaluations, if required, without regard to the family's income and resources. If the parent(s) are legal California resident(s) and the child is under 21 years of age, **they should contact their county health department to apply for CCS.**

35

www.dhcs.ca.gov/Services/CCS/Pages/default.aspx

Department of Health Care Services

California Children's Services

California Children's Services (CCS) is a state program for children with certain diseases or health problems. Through this program, children up to 21 years old can get the health care and services they need. CCS will connect you with doctors and trained health care people who know how to care for your child with special health care needs.

Bulk/Block	Providers	Family CCS Programs
<ul style="list-style-type: none"> • "New to Results" • Roll-out of IT Quality • New-to Supply • Get into CCS Program • CCS Involvement in Vendor • Family Resources • Medical Therapy Program • Notice of Privacy Practices and HIPAA 	<ul style="list-style-type: none"> • Authorizations and Plans • Becoming a CCS Provider • Sign-Off/Re-Entry Follow-Up • Provider Forms • Newborn Intensive Care Unit (NICU) • Hospital Quality Improvement Initiative • Autism/Seizure/Sensory Program • Pediatric Palliative Care • Digital Provider Electronic Tools Interchange (DET) • Provider Standards and Center Operations • TRS Links 	<ul style="list-style-type: none"> • Program Eligible • CCS Provider Tools • OMR Tool • Forms • Letters • Publications • Special Care Center Directory • Web Content • Administrative Allocation QSA (FAQ) • Proposed Methodology • CCS County Health Budgets • Questions and Answers • CCS County March Budgets



SpEd Due Process Jurisdiction Over Designated State Agencies

- GC 7586. (a) **All state departments, and their designated local agencies, shall be governed by the procedural safeguards** required in Section 1415 of Title 20 of the United States Code. A due process hearing arising over a related service or designated instruction and service shall be filed with the Superintendent of Public Instruction. **Resolution of all issues shall be through the due process hearing process** established in Chapter 5 (commencing with Section 56500) of Part 30 of Division 4 of the Education Code. **The decision issued in the due process hearing shall be binding on the department having responsibility for the services in issue as prescribed by this chapter.**
- (c) **All hearing requests that involve multiple services that are the responsibility of more than one state department shall give rise to one hearing with all responsible state or local agencies joined as parties.**

37

Cognitive Restoration and Brain Plasticity



- Neuroscience has changed in the past 20 years. An example is the concept of brain plasticity.
- Brain plasticity refers to the brain's ability to rewire itself, relocating information processing functions to different brain areas and/or neural networks.
- Two decades ago, it was believed that brain networks were static after its initial formation period.
- Now that belief has changed. The study of brain plasticity has profound implications in human learning and behavior, and as such, for mental health.

38

Reuven Feuerstein Ph.d.



- Dr. Reuven Feuerstein, a clinical psychologist who studied at the University of Geneva under Jean Piaget, Andre Rey, Barbel Inhelder, and Marguerite Loosli Uster, went on to earn his Ph.D. in Developmental Psychology at the Sorbonne.
- He developed a comprehensive program over his lifetime called "Instrumental Enrichment" also known as FIE (Feuerstein Instrumental Enrichment.)

39



Dynamic vs Static Assessments



- A **Static Assessment** for example is a rigid IQ test given under standardized conditions that gives you a static number. Most psychologists only do this.
- A **Dynamic Assessment** may use the same IQ test, but may repeat a component after performing some mediated learning to see if the child can benefit or improve functioning with added skills. Few psychologists do this.
- If so, this answers the question about the potential for the child to benefit from FIE or Medicated Learning Therapy.
- **Learn More** <http://dynamicassessment.com>

40

Mediated Learning



- Feuerstein **believed and proved that cognitive deficiencies could be corrected and that intelligence is modifiable, not fixed.** Once cognitive skills are taught and cultural experiences are enriched, even the "retarded" individuals can extend their intellectual powers dramatically. As a result of their stimulated cognitive growth and motivation, IE students from around the world have changed from passive recipients of information to self-confident and active learners.

41

Instrumental Enrichment Program

- The Feuerstein Instrumental Enrichment program contains more than 500 pages of paper- and –pencil exercises divided into 15 instruments. Each instrument emphasize on specific cognitive deficiency but address itself to the acquisition of many other prerequisites of learning as well. Fourteen of these instruments are regularly used in any classroom implementation of the program and provide enough material for a 1-hour lesson, 3-5 days weekly for, depending on the program, a period of 2 or 3 years.

42
