

PIRS Hot Sheet

Advocacy & Services for People with Disabilities

JUDGE STOPS IHSS CUTS!

Judge Claudia Wilken has issued a preliminary injunction, barring the State from going forward with the 20% cuts in home care hours for hundreds of thousands of seniors and people with disabilities. The Judge also certified the plaintiffs as a class.

The judge criticized the state's plan, saying it would cause "thousands and thousands of people who really need these services to be dumped off, and only if they clawed their way back on would they regain their hours." She asked both parties--the defendants (administration) and the plaintiffs (IHSS consumers and home care providers) to meet and discuss better alternatives to the State's plan. Judge Wilken made it clear that she would not be satisfied with anything other than an assessment that happens before people's services are cut. In other words, reverse the government's current plan to first cut and only then consider the impact.

The judge found fault with several aspects of the State's plan, questioning:

The complicated language in the notices the State planned to send out. Disability Rights California and co-counsel claimed that the notice violates due process as it requires a timely response from people who may find it hard to understand how to apply for restoration of IHSS hours;

The lack of any plan for accessible notices for people with visual impairments or in languages frequently used by IHSS consumers;

The state's reliance on the counties to explain and translate the notices for consumers. With social workers often serving over 300 clients, the judge questioned if the counties could provide these services; and

The State's continued reliance on the assessment tool that the court previously ruled inadequate: the Functional Rankings and Index. She asked if the defendants and plaintiffs could discuss several issues, including if and how the State could identify IHSS consumers whose hours could safely be pared back without putting them at risk of institutionalization.

Melinda Bird, Disability Rights California lead counsel in the case, praised the judge's decision, saying "We are delighted that people with disabilities can continue to rely on IHSS help to remain safely in their homes. As the judge requested, we are looking forward to meeting with the state's representatives to determine if there are ways to identify IHSS consumers whose hours could be reduced without undercutting their safety."

Source: Disability Rights California



Do you need minor modifications to make your home safer and more accessible?

Call Don Wixon, Coordinator of PIRS Minor Home Modification Program.
530-885-6100, ext 34

PIRS Calendar

Reasonable accommodations are available upon advance request to facilitate access to PIRS facilities and services.

In order to maintain a comfortable environment for everyone, we respectfully request that **no perfumes or other scented products** are worn when attending activities at PIRS. Thank you.

Deaf Awareness and Conversational American Sign Language:

⇒ **Advanced Class:** call for info.

⇒ **Beginning Class:** Monday, 1:00 – 2:00 pm
For more information on classes, call us at 503-885-6100, or TTY (530) 885-0326, or use CA Relay Service at 211 or 1-877-314-6025 and give the operator the TTY number.

Disability Peer Support Groups:

⇒ **Depression Support Group** – Friday, 1:00 – 3:00 pm. at PIRS. This group is facilitated by Senior Peer Counseling Program of PCHHS, and it is open to all adults regardless of age.

⇒ **Women's Depression/Bipolar/Mental Health Disabilities Support Group** – Monday 5:00 – 7:00 pm. Call Leslie Brewer, ext. 13.

⇒ **Men's Disability Support Group** – Tuesday 6:00 – 8:00 pm. Call Jeff Cowen, ext 15, before attending.

⇒ **Women's Disability Support Group** – Wednesday, 1:00 – 3:00 pm. Open drop-in group. Call Facilitator Barbara Finn, ext. 26, for more information.

⇒ **Peer Support – New Program:** If you live between Applegate and Gold Run and would like to talk individually with a volunteer Peer Support Specialist, call Leslie, x13.

Auburn People First: self-advocacy for people with developmental disabilities

⇒ Call the Supported Life Institute, Self-Advocacy Coordination Project at 916-567-1974 for more information.

FREE Help with your healthcare services problems:

HICAP – Health Insurance Counseling for seniors and people with disabilities. Call Seniors First/SeniorLink at 1-800-878-9222 to make an appointment.

Health Rights Hotline, serving Placer, El Dorado, Yolo, & Sacramento Counties, regardless where you receive your health coverage. Tollfree (888) 354-4474 or TTY (916) 551-2180. In Sacramento, call (916) 551-2100. www.hrh.org.

HMO Help Center: State Dept. of Managed Health Care, free independent medical review (IMR) for denial of services. Assistance 24 hours a day, seven days a week. Call (888) 466-2219 or (877) 688-9891 (TTY). www.healthhelp.ca.gov.

DRA's Health Access Project: free publications about the health care and insurance rights and concerns of people with disabilities and serious health conditions. <http://dralegal.org/>, and click on "Projects".

Mental Health America
In Crisis? 1-800-273-TALK
Pensar en Suicida?
1-800-SUICIDA (784-2432)
(Ellos son Latinos y hablan Espanol)

California AgrAbility Project serves agricultural workers with disabilities and their families. Call (530) 752-1613 voice; Toll free: 1-800-477-6129; fax (530) 752-2640.
<http://calagrability.ucdavis.edu>

K-12 Students Rights Expanded •

The Office for Civil Rights at the US Dept. of Education has issued a guidance letter detailing how school districts should act on the changes made by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), which became effective Jan. 1, 2009. The ADAAA also has a direct and substantial impact on Section 504 of the Rehabilitation Act of 1973 (Section 504) - another law that provides protections for school-age children with disabilities.

The guidance letter and accompanying Frequently Asked Questions (FAQ) clarifies a school district's obligations under ADAAA, saying it should define disability very broadly:

"Students who, in the past, may not have been determined to have a disability under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) may now in fact be found to have a disability under those laws," the guidance says. "A student whom a school district did not believe had a disability, and therefore did not receive...special education or related services before passage of the Amendments Act, must now be considered under these new legal standards. The school district would have to evaluate the student, as described in the Section 504 regulation, to determine if he or she has a disability and, if so, the district would have to determine whether, because of the disability, the student needs special education or related services."

With passage of the Amendments Act, Congress intended to convey that the question of whether an individual's impairment is a disability under the ADA and Section 504 should not demand extensive analysis. To effectuate the ADA's purpose, the Amendments Act:

directs that the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) may not be considered in determining whether an individual has a disability;

expands the scope of "major life activities" by providing non-exhaustive lists of general activities and major bodily functions;

clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and

clarifies how the ADA applies to individuals.

Read the letter and FAQ at:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html>

Source: US Dept. of Education



Do you need to hire an in-home personal assistant or care provider?

**Are you a professional care provider?
Apply to join PIRS Personal Assistants
Registry/Referral Service. (No fee)**

**To hire a provider, or to join our Provider
Registry, call Tim Cooper at PIRS -
530-885-6100, x15.**

ADA CORNER

The Job Accommodation Network (JAN) provides free, confidential technical assistance about job accommodations and the Americans with Disabilities Act (ADA) for employers and jobseekers with disabilities. JAN is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability, and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace. JAN offers one-on-one guidance on workplace accommodations, the ADA and related legislation, and self-employment and entrepreneurship options for people with disabilities. There also are many resources on the website including training videos and other materials to download for employers and jobseekers. You also can call, email, or have a live chat online - (800)526-7234 (Voice) or (877)781-9403 (TTY). <http://askjan.org/>.

Free Technical Assistance:

- Pacific Disability and Business Technical Advisory Center (DBTAC) – Hotline provides free detailed explanations on ADA questions and Guidelines. 1-800-949-4232. www.adapacific.org.
- Dept of Justice ADA webpage: www.usdoj.gov/crt/ada/adahom1.htm
- Equal Opportunity Employment Commission – non-discrimination in employment: www.eeoc.gov.
- Job Accommodation Network (JAN): lists examples of accommodations that may be appropriate for various types of disabling conditions. www.jan.wvu.edu

- www.access-board.gov – US Access Board publishes access guidelines based on research about best practices.
- www.DisabilityInfo.gov is a cross-government portal on disability, and is easily accessible.
- www.ncaonline.org- National Center on Accessibility promotes access to recreational facilities, focusing on universal access and practical solutions by linking designers with users.
- www.firstgov.gov – a one-stop source to find any federal agency and other information.
- Federal Transit Administration – ADA Assistance line: 1-888-446-4511 or www.fta.dot.gov/transit_data_info/ada/
- Information on the U.S. Dept of Education enforcement of education rights (Individuals with Disabilities Education Act or IDEA). www.ed.gov/offices/OCR/index.html
- Discrimination in air transportation and related services. Hotline at 1-800-778-4838 (voice) or 1-800-455-9880 (TTY) to obtain assistance. Complaints must be submitted in writing. <http://airconsumer.ost.dot.gov/>



Advocate for Your Rights!

Never take your independence for granted. Never ignore discrimination. Speak out and defend your rights to access housing, education, employment, transportation, health care, telecommunications, recreation, and all the other benefits our society enjoys. Get involved! Stay informed! Get PIRS advocacy bulletins by mail or email:

Email: <jcowen@pirs.org> and put "Subscribe Advocacy List" in the subject line;
Call – Jeff - 530-885-6100, ext.15; or
Write: **Advocate**, PIRS, 11768 Atwood Rd. Ste. 29, Auburn, CA 95603.

To Contact Your Legislators online:

President: www.whitehouse.gov

Governor: www.governor.ca.gov

US Senators: thomas.loc.gov, then choose "Senate Directory" at top.

US Representatives: thomas.loc.gov, then choose "House Directory" at top.

State Senate: www.senate.ca.gov

State Assembly: www.assembly.ca.gov

Placer County: www.placer.ca.gov

El Dorado County: co.el-dorado.ca.us

Alpine County: www.alpinecountyca.gov



PIRS Board of Directors is seeking new members. In particular, if you are of Latino, Asian, or African-American descent and have a disability, or have legal or accounting expertise, please consider joining our Board.

Please call for an application:
530-885-6100, in Auburn
1-800-833-3453 outside of Auburn area
530-885-0326 TDD
530-885-3032 Fax

PIRS Board of Directors

Dawn Davidson, President
Paul Opper, Vice President
Robert Hancock, Treasurer
Dan Roye, Secretary
Becky Baker, Director
Michael Cummings, Director
Terry Scott, Director
Linda Wisdom, Director

PIRS Board Meeting:

Third Wednesday, 5:00-6:30 p.m. at PIRS.

Disability Rights Organizations:

www.ADAWatch.org: Advancing the Civil Rights of People with Disabilities

National Council on Independent Living:
www.NCIL.org

Association of Programs for Rural Independent Living: www.april-rural.org

CA Foundation for Independent Living Centers: www.cfilc.org

Mental Health: www.Bazelon.org

Advocacy for persons with developmental disabilities: [The ARC.org](http://TheARC.org)

Disability Rights California: www.drc.org

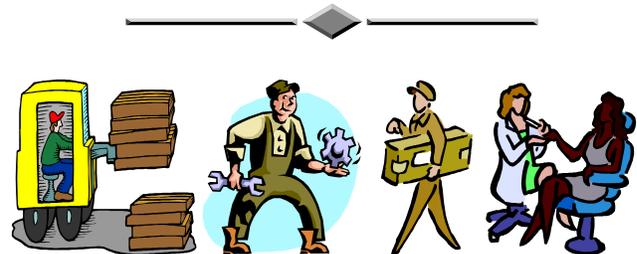
Disability Rights Education Defense Fund:
www.dredf.org

Not Dead Yet: opposing physician-assisted suicide. www.ndy.org

Disability Rights Advocates: dralegal.org

American Association of Persons with Disabilities: www.aapd.org

California Disability Community Action Network (CDCAN): Advocacy Without Borders: www.cdcan.us



www.disabilitybenefits101.org

Information on employment, health coverage and other benefits, and how it all relates to working. There's a unique "calculator" that will help you figure it out. You can work!

Placer Independent Resource Services
11768 Atwood Rd., Ste. 29
Auburn, CA 95603

RETURN SERVICE REQUESTED

Non Profit Organization
US Postage PAID
Auburn, CA
Permit #130

PIRS Hotsheet is available online at
www.pirs.org
Or in alternative formats. Call us at:
530-885-6100 (v); 530-885-0326 (tty)



*Please Include
PIRS in Your Will.*

=====

PIRS is funded by grants from the US Dept. of Education/Rehabilitative Services Administration; State Dept. of Rehabilitation; Area 4 Agency on Aging; United Auburn Indian Communities; City of Roseville; Community Technology Foundation of CA; James & Virginia Benson Fund for the Elderly of Placer County of the Sacramento Region Community Foundation; by contract with the Pacific Disability & Business Technical Assistance Center; and by private donations.

We need your support. Please make a donation to PIRS today. Thank you!

PIRS is a Certified Agency of United Way California Capital Region: **Agency # 5751**

