

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CHRISTIAN G,

Claimant,

v.

SOUTH CENTRAL LOS ANGELES REGIONAL  
CENTER,

Service Agency.

OAH Case No. 2012070463

DECISION

Humberto Flores, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, heard this matter on August 22, 2012, in Los Angeles, California.

Christian G. (claimant) was represented by his mother.

Johanna Arias, Fair Hearings/Government Affairs Manager, represented the South Central Los Angeles Regional Center (regional center or SCLARC).

Evidence was received and the matter was submitted for decision.

ISSUE

In or about June 2012 claimant and the regional center entered into a mediation agreement wherein the regional center agreed in part to provide funding for transportation to and from claimant's speech therapy, and to provide funding for a one-to-one aide during claimant's after school program. Has the regional center complied with the mediation agreement?

## FACTUAL FINDINGS

1. Claimant is a seven-year-old boy who is a regional center consumer based on a diagnoses of autism.

2. Claimant's mother represented claimant in a mediation wherein the regional center agreed to provide, *inter alia*: (1) funding for transportation (provided by a female driver or with a female attendant) for claimant to attend his weekly speech and language therapy; and (2) funding for a one-to-one aide for claimant during his after school program.

3. Claimant filed a request for hearing on July 12, 2012, alleging that claimant has failed to provide the above referenced services in accordance with the mediation agreement.

4. Regarding the transportation issue, claimant's mother testified that she is concerned about the potential that claimant would be victimized or abused unless the transportation is provided by a female driver or unless a female attendant is present while claimant is being transported. Claimant's service coordinator contacted numerous transportation vendors to provide the transportation. Both vendors declined to provide the requested transportation indicating that they could not guarantee a female driver and could not provide a female attendant with a male driver.

5. Regarding the one-to-one aide, claimant's mother has specific requirements for the person who would provide the service. Claimant's service coordinator has attempted to find a one-to-one aide to provide the service and who would meet the requirements imposed by claimant's mother. The service coordinator has not been successful in finding such a person. Claimant's mother recommended a one-to-one aide but that person demanded \$48 an hour to provide the service. This

amount is five times the amount that the regional is authorized to pay for a one-to-one aide.

6. The regional center has made a diligent effort to locate vendors who would be willing provide the above referenced services.

## LEGAL CONCLUSIONS

1. In 1977, the California Legislature enacted the Lanterman Developmental Disabilities Services Act (the Lanterman Act) "to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community . . . and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community." (See, *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.). Under the Lanterman Act, the State of California has accepted responsibility for persons with developmental disabilities. (Welf. & Inst. Code, § 4501.)

2. While regional centers have a duty to provide a wide array of services to implement the goals and objectives of the IPP, they are also directed by the Legislature to provide the services in a cost-effective manner. (§§ 4512, subd. (b), 4640.7, subd. (b), and 4646, subd. (a).)

3. In this case the evidence did not establish that the regional center has refused to comply with the mediation agreement. In fact, claimant's service coordinator has made a diligent effort to locate vendors who would be willing to provide the services set forth in Factual Finding 2 that would meet the requirements stated by claimant's mother.

## ORDER

The South Central Los Angeles Regional Center is hereby ordered to continue its effort to locate service providers to provide the services delineated in the mediation agreement. In the event that the regional center is unable to locate such service providers within two weeks of the date of this decision, the regional center shall schedule an Individual Program Plan meeting to resolve the issues that remain outstanding in the mediation agreement.

Dated: September 6, 2012

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HUMBERTO FLORES

Administrative Law Judge

Office of Administrative Hearings

## NOTICE

**This is the final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.**