

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

HARBOR REGIONAL CENTER,

Service Agency.

DDS No. CS0037210

OAH No. 2026060263

DECISION

Jennifer M. Russell, Senior Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on July 17, 2026.

Latrina Fannin, Manager of Rights and Quality Assurance, represented Harbor Regional Center (HRC or service agency). Father represented Claimant, who was not present. Father and Claimant are not specifically identified to preserve their privacy and maintain confidentiality.

Erika Castillo, Client Service Manager, and Father testified. The service agency's Exhibits 1 through 4, 6 through 8, and 15 and Claimant's Exhibits #2 and #3 were admitted in evidence. The service agency's Exhibits 1, 16, and 17 and Claimant's Exhibits #0 and #00 were marked for identification only.

At the outset of the hearing, the parties announced they reached a partial resolution of the issues raised on appeal. The only remaining issue for determination is stated below.

The record closed and the matter was submitted for decision at the conclusion of the hearing on July 17, 2026.

ISSUE FOR DETERMINATION

Whether the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welf. & Inst. Code, § 4500 et seq., permits the service agency to fund an after-school program, known as the MAD Science, for Claimant.

FACTUAL FINDINGS

Jurisdictional Matters

1. On April 23, 2026, on behalf of Claimant, Father requested funding the MAD Science, an after-school enrichment program.
2. By Notice of Proposed Action dated May 19, 2026, HRC denied the request.

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3. On June 2, 2026, on behalf of Claimant, Father filed a Fair Hearing Request.

4. All jurisdictional requirements are met.

Claimant's Background

5. Claimant's most recent Individual Program Plan (IPP), dated April 23, 2026, establishes Claimant is an eight-year-old male consumer of HRC due to his qualifying diagnosis of Autism Spectrum Disorder.

6. Claimant is able to express his basic wants and needs using full sentences. Claimant enjoys talking with others but has difficulty maintaining back-and-forth conversations. Claimant drifts off topic, interrupt others, and sometimes struggles to recognize and respond to social cues. Claimant may interpret sarcasm and figurative language literally. Claimant's ability to sustain interactive play for long periods is developing. Claimant tends to dominate conversations and struggles with reciprocal communication. Claimant has difficulty recognizing when peers are not interested in conversation or may feel uncomfortable.

7. HRC funds multiple programs, including Jiu-Jitsu classes with Excellence School of Jiu Jitsu, Grassroots Program with L.A. Galaxy, Shoreline Act Up Program, and a YMCA enrichment program, to address Claimant's social interaction deficits, goals, and needs.

8. Claimant's most recent Individualized Education Program (IEP) plan, dated January 13, 2026, provides Claimant "is clinically diagnosed with Autism and displays nonverbal and verbal communication difficulties that negatively impact his social interaction and communication. [Claimant] is easily distracted with his thoughts

and stimuli in his surroundings and displays limited focus towards non-preferred tasks which negatively impact his ability to initiate and complete tasks. He meets special education eligibility criteria for Autism and Other Health Impairment (Secondary).” Claimant IEP additionally provides Claimant “meets eligibility criteria under Speech and or Language impairment in the areas of receptive/expressive language/pragmatic language and articulation. [Claimant] demonstrates significant delays in his speech and language skills at this time.” (Claimant Exh. 2 at pp. 1-2 [B8-B9].)

9. Based on evaluations dated January 16, 2024, Claimant’s IEP reports Claimant “obtained a Full Scale IQ of 79. His true score is likely to fall within the range of 75 to 83 at a 95% level of confidence. Relative to individuals of comparable age, [Claimant] is currently functioning at the 8th percentile, and his overall level of cognitive ability can be described as being in the Borderline Impaired range of functioning.” On the Adaptive Behavior Assessment System—Third Edition completed by his general education teacher, Claimant obtained a General Adaptive Composite of 86. “His true score is likely to fall within the range of 83 to 89 at a 95% level of confidence. Relative to individuals of comparable age, [Claimant] is currently functioning at the 18th percentile, and the level of his adaptive behavior currently falls in the Below Average range on a standardized measure of adaptive behavior.” (Claimant Exh. 2 at p. 4 [B11].)

10. As documented in his IEP, Claimant’s “problem behavior[s]” impeding his learning include physical aggression, i.e., “hitting, kicking, pushing, shoving, and /or throwing objects at peers and adults;” elopement from the instructional area; non-compliance; verbal aggression; and public disrobing. These problem behaviors are likely to occur when Claimant is “presented with a novel, nonpreferred, or unexpected task or situation or being asked to engage in flexibility.” Priming, validation,

individualized instructions, and a behavior contract outlining behavior expectations, reinforcement procedures, and consequences are among a plethora of structure and supports to reduce Claimant's problem behaviors. (Claimant Exh. 2 at pp. 19-20 [B26-B27].)

11. Claimant's IEP provides for specialized academic instruction in small group settings with an assistant assigned to Claimant, speech and language therapy, and behavior intervention services. Ninety-two percent of the time, Claimant receives instruction in the general education curriculum. The IEP identifies goals for Claimant in the area of decoding, reading comprehension, writing, articulation, expressive language, pragmatic language, and behavior intervention. (Claimant Exh. 2 at pp. 9-18 [B16-B25].)

Request for HRC-funded MAD Science after-school program

12. MAD Science is a hands-on interactive STEM-based enrichment after-school program available on the school campus where Claimant is enrolled. MAD Science offers lessons in physics, chemistry, robotics, and general scientific reasoning. The MAD Science lessons are typically offered in 8-week blocks and cost between \$150 and \$200 per block.

13. Regarding the MAD Science program, Father maintains Claimant "really learns in this setting" because "it's hands-on instruction versus just words with someone talking to him" and "these aren't things going on at the school, where you have arts and craft but not tornado stuff, volcano stuff, or robotics." Father additionally maintains MAD Science "is the only program addressing [Claimant's] needs. There is no other way to get the content."

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14. Father has not requested Claimant's school to fund the MAD Science after-school program for Claimant.

The Service Agency's Position

15. At hearing, Ms. Castillo explained HRC previously authorized funding for the MAD Science after-school program but funds were never disbursed because Father agreed to replace the MAD Science program with Shoreline ACT Up, which she described as communication program combined with play acting. A January 21, 2026 Service Coordination ID Note corroborating Ms. Castillo's explanation states, among other things, "Harbor is already meeting [Claimant's] social recreation needs with 4 social recreational activities . . . Father inquired if Harbor can (*sic*) support him with the Act Up Program instead of one of the other activities Harbor is funding already. . . . Father shared that he would prefer that Harbor support them with funding for Act Up (for the 3 months) and that he feels comfortable paying for Mad Science out of pocket." (Exh. 6 [A70].)

16. Ms. Castillo maintained the MAD Science program focuses on group attention, engaging with peers, executive functioning skills, cooperative activities, and scientific reasoning. Ms. Castillo reiterated HRC already funds several services and programs to address Claimant's social-communication needs and goals. In addition, Claimant's school's district is the generic resource with primary responsibility for Claimant's education and instructional goals. HRC funding of the MAD Science program for Claimant either duplicates existing HRC-funded programs or circumvents a primary generic resource, both of which the Lanterman Act prohibits. Regarding the MAD Science program's instructional goals, Ms. Castillo stated, "These are not part of [Claimant's] IPP goals. For those goals, the school district is the funding source."

LEGAL CONCLUSIONS

The Applicable Law

1. Under the Lanterman Act, regional centers, including HRC, play a critical role in the coordination and delivery of treatment and habilitation services and supports for persons with disabilities. (Welf. & Inst. Code, § 4620 et seq.) Regional centers, including HRC, are responsible for ensuring the provision of treatment and habilitation services and supports to individuals with disabilities and their families effectively meets stated IPP goals. Regional centers, including HRC, are additionally responsible for the cost-effective use of public resources. (Welf. & Inst. Code, §§ 4646, subd. (a), 4646.5, subd. (a)(4), 4647, subd. (a), and 4648, subd. (a)(8) & (9).) Regional centers, including HRC, must ensure “[u]tilization of generic services and supports when appropriate.” (Welf. & Inst. Code, § 4646.4, subd. (a)(2).)

Burden and Standard of Proof

2. Claimant bears the burden of establishing by a preponderance of the evidence his entitlement HRC-funded MAD Science after-school program under the Lanterman Act. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefit]; Evid. Code, §500.)

3. Preponderance of the evidence means evidence that has more convincing force than that opposed to it. (See *Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, 324.) “[T]he sole focus of the legal definition of ‘preponderance’ in the phrase ‘preponderance of the evidence’ is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant.” (*Id.* at 325, original italics.) In meeting the burden of proof by a preponderance of the evidence,

Claimant “must produce substantial evidence, contradicted or un-contradicted, which supports the finding.” (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 339.)

Discussion

4. Claimant presents with autism, a developmental disability that qualifies Claimant for Lanterman Act services and supports to remediate Claimant’s assessed deficits in social communication and social interaction. HRC-funded services addressing Claimant’s social communication and social interaction deficits include Jiu-Jitsu classes with Excellence School of Jiu Jitsu, Grassroots Program with L.A. Galaxy, Shoreline Act Up Program, and a YMCA enrichment program. Claimant’s IPP does not address or provide for Claimant’s educational or learning objectives, needs, or goals because, consistent with the Lanterman Act, Claimant’s public school district does so in accordance with the terms of Claimant’s IEP.

5. Claimant’s public school district has primary responsibility for Claimant’s assessed educational or learning objectives, needs, or goals. Thus, the Lanterman Act requires Claimant to exhaust that public resource before seeking any HRC funding to address his educational or learning objectives, needs or goals. The evidentiary record shows Claimant has not yet requested funding from his public school district for the MAD Science after-school program. Thus, Claimant has not exhausted the public resource for meeting his educational and instructional needs and goals.

6. Claimant failed to establish by a preponderance of the evidence his entitlement to HRC funding for the MAD Science after-school program.

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7. By reason of Factual Findings 5 through 16 and Legal Conclusions 1 through 6, cause exists to affirm HRC's determination denying Claimant's request for HRC funds for the MAD Science after-school program.

ORDER

Claimant's appeal is denied.

DATE:

JENNIFER M. RUSSELL

Senior Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Pursuant to Welfare and Institutions Code section 4713, subdivision (b), either party may request in writing a reconsideration within 15 days of receiving the decision or appeal the decision to a court of competent jurisdiction within 180 days of receiving the decision.