

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

EASTERN LOS ANGELES REGIONAL  
CENTER,

Service Agency.

OAH No. 2017071033

DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH), on September 11, 2017, in Alhambra, California. Claimant was represented by her authorized representative, Victoria Baca, M.Ed.; Claimant and her mother were also present.<sup>1</sup> Eastern Los Angeles Regional Center (Service Agency or ELARC) was represented by Jacob Romero, Fair Hearing Coordinator.

Oral and documentary evidence was received, and argument was heard. The record was closed and the matter was submitted for decision on September 11, 2017.

ISSUE

Should ELARC be allowed to reduce Community Integration Training (CIT) services from 68 hours per month to 30 hours per month?

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<sup>1</sup> Claimant's and her mother's names are omitted throughout this Decision to protect their privacy.

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## EVIDENCE

Documentary: Service Agency exhibits 1-18; Claimant Exhibit A.

Testimonial: Robert Illingworth (Illingworth), Service Coordinator; Lupe Jacquez (Jacquez), former Service Coordinator; Elizabeth Jinzo (Jinzo), Director of Designated Exceptional Services for Independence; Claimant's mother; Claimant.

## FACTUAL FINDINGS

1. Claimant is an 18-year-old female who qualifies for regional center services pursuant to diagnoses of mild intellectual disability and epilepsy. She also suffers from receptive language disorder and bilateral hearing loss requiring the use of a hearing aid.

2. Claimant lives with her mother. According to Claimant's current Individual Program Plan (IPP), dated November 23, 2016, Claimant's goals and "Desired Outcomes" include that Claimant: "will receive appropriate education that will meet her educational goals and vocational goals;" "will be as independent as possible;" and "will feel safe at home and in the community." (Exhibit 3.)

3. Claimant is currently attending Glendale Community College (GCC). When Claimant was attending high school, ELARC began funding CIT services for Claimant provided by Designated Exceptional Services for Independence (DESI). Although ELARC initially funded a greater number of CIT hours, as Claimant mastered CIT skills, her funded hours were reduced to 30 hours per month.

4. The goals of the DESI program are to provide consumers "the opportunity to become active members of the community by participating in events such as other

non-disabled individuals” and “to support the consumer in achieving independence.”

(Exhibit 16.) The anticipated outcomes of the DESI training include:

By participating in the DESI community integration program consumers will have the ability to become adept in a social setting. They will acquire the functional skills necessary to self-advocate and incorporate their thoughts and will within their community. Consumers will increase their independence by completing daily tasks in the community such as grocery shopping, exercising (self-care), volunteering, and possibly have the opportunity to earn income by having the opportunity to network and seek employment within their community. The Consumer will increase his or her abilities within a community setting to achieve self-sufficiency all to become less dependent on others, services, and funding. The Consumer will develop and self-direct his or her own circle of support in order to achieve personal goals and dreams by using paid or generic resources to the greatest extent possible. . . . [¶] . . . [¶]

The individual will secure and maintain a community-oriented lifestyle in which all generic and natural supports are accessed and based on the needs and preferences of the consumer. Because each individual is unique, outcomes will vary from person to person. . . . Furthermore, the standard to measure success or improvement will be dependent [on] the individual’s happiness and comfort.

(Exhibit 16.)

5(a). While Claimant was attending high school, DESI documented in a December 7, 2015 report several objectives for Claimant's CIT and her progress toward those objectives.

5(b). The first objective was "educational training and self-advocacy" which involved helping Claimant to "continue to develop organizational and study skills to participate successfully in her academic courses" and to help her find "appropriate community resources needed to further her development in her academic program." (Exhibit 12.) Claimant's progress toward this objective as of December 2015 was described as "emerging." DESI noted:

Her [DESI] educators help her to utilize community resources such as the library to access academic assistance tools and programs. These tutorial services aid her in comprehending her homework. It has been noted that [Claimant] still needs further "one-to-one" support in order for her to advance in her educational goals. Her educators have focused on [Claimant's] organizational objectives by implementing the use of a calendar. [Claimant] uses her calendar to keep track of important dates, homework assignment due dates, as well as other pertinent information. With assistance from her educators, her calendar is maintained on a bi-weekly basis.

(Exhibit 12.)

5(c). Claimant's other objectives included: (1) "money management" (to "continue to learn how to make purchases with minimal assistance, as well as become familiar with banking transactions"); (2) "community participation training" (to obtain functional social skills to take part in extracurricular activities and to acquire advocacy

skills to discuss her feelings and concerns); (3) "career awareness – planning for income" (to complete the college application and enrollment process and then work on a goal of acquiring employment after GCC); (4) "health and wellness" (to acquire a location to experience good physical health within her community, which included local hiking trails and activities at local parks); (5) and "safety and mobility skills" (to navigate her neighborhood safely when walking and to learn to use Access Services and the rule for scheduling pickups). Claimant's progress in all of these objectives as of December 2015 was "emerging." (Exhibit 12.)

6. Claimant graduated from high school in 2016, and she began attending GCC in Fall 2016.

7(a). Unlike high school, while at GCC Claimant is required to access her education without an Individualized Education Plan (IEP) or special education services. However, GCC offers services to provide accommodations but "not modifications" for disabled students. (Exhibit 7, p.6.)

7(b). GCC's Center for Students with Disabilities (CSD) offers the Disabled Students Programs and Services (DSPS) which includes: mobility orientation; vocational, academic and personal counseling; priority registration; registration assistance; interpreters for the deaf; lip reading instruction; tram service; and note taking assistance.

7(c). GCC also has a Guardian Scholars (GS) program which provides assistance to individuals who have been in foster care. The GS program offers students counseling, helps with registration and financial aid applications, provides school supplies and transportation assistance, conducts workshops and social activities, and assists with job placement.

8. In the Fall 2016 term, Claimant took three classes (American Sign Language I, Introduction to Dance, and Overcoming Math Anxiety). During the first few class sessions, Claimant's GCC counselor discovered that Claimant's DESI aides had been

attending Claimant's classes. The GCC counselor informed them that GCC does not allow aides to be present in classes. The GCC counselor also sent a memorandum to Claimant's teachers to remind them of the "no aide policy." (Exhibit 7, pp. 7-8.)

Therefore, the note taking assistance offered through DSPS must be done by the same classroom peer daily. This presented a problem for Claimant who had difficulty asking note takers for a copy of their notes after class. Consequently, for the Fall 2016 term, DESI registered and enrolled a CIT aide in two of Claimant's classes to obtain firsthand knowledge of the material being covered in class. The GCC counselor approved this practice since the aide was a peer enrolled in the class. DESI also worked with Claimant on ways to approach her classroom peer note takers.

9(a). During the Fall 2016 term at GCC, Claimant requested that ELARC fund increased CIT hours to help her with the transition to college.

9(b). On Claimant's behalf in October 2016, DESI submitted to ELARC an "Addendum for Parent Requesting More Hours" (Addendum) documenting the need for the increase in CIT hours to assist Claimant in a successful transition to college. DESI's Addendum noted Claimant's increased needs as follows:

[Claimant's mother] reports that [Claimant] is in need of a lot of help in terms of school coursework, organizational planning, keeping important papers relating to school together, setting up appointments and following through with the requirements of college course work, speech therapy, while at the same time maintaining her CIT goals of maintaining a healthy weight, and keeping up with money management. [Claimant] and her mother report that the current 30 authorized hours with all that she needs to do is not enough. [¶] . . . [¶]

[Claimant] is currently enrolled in 3 courses. She is considered a full time student. This alone can be difficult for "normal" student. For [Claimant], the work needed to be successful . . . has grown exponentially because of her disability. She knows what she wants to do, . . . but she is faced with the realization that she will need more support and accommodations to accomplish her goals.

[Claimant] and her mother are in agreement that [Claimant] is getting overwhelmed with the lack of support she has thus far encountered at GCC. GCC requires that [Claimant] goes to her DSPS counselor alone, unsupervised, stating that she is now in college and needs to behave like an adult. This is extreme for someone who just finished high school a few months ago and not comfortable yet in making these types of decisions. She has reported to these meetings and when asked about what was asked, she has stated she was not completely sure. Her DSPS counselor seems not to check for understanding before proceeding to end the meeting.

(Exhibit 11.)

9(c). In its Addendum, DESI assessed that Claimant's needs in the classroom were:

1. Preferential/flexible seating close to and facing the speaker
2. Use of visual and graphic cues to support oral presentations in class and for studying
3. Written information to follow along
4. Repetition and clarification of auditory information

5. Check for comprehension
6. Clarify directions
7. Reduction of background noise (both environmental and voice)
8. Peer/individual tutoring as needed
9. Peer note taker/notes from teacher
10. Simplified Directions from professor
11. Full time use of hearing technology
12. Teachers/professors use classroom sound field, when available
13. More time to comprehend and process information

(Exhibit 11.)

9(d). For Claimant's continued goal of "educational training and self-advocacy" the DESI Addendum noted that Claimant "will continue to develop organizational and study skills to participate successfully in her academic courses." (Exhibit 11.) The plan for meeting that objective was as follows:

1. Community educator will provide resources as well as support to [Claimant] for an appropriate academic program.
2. [Claimant] will learn about other resourceful tools that assist in being able to maintain an organized schedule.
3. Community educator will collaborate with the all [sic] parties involved to implement and ensure a successful outcome. [¶ <sup>2</sup>]

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<sup>2</sup> The Addendum also included, "4. With assistance from her Community educator, [Claimant] will learn about her IEP and how it affects her ability to receive appropriate free education as well as the support systems she is entitled to attaining." DESI Director Jinzo admitted that this was included in error, since Claimant does not have an IEP at GCC.



5. Community educator will note progress made and barriers encountered by [Claimant] while working towards this goal.

(Exhibit 11.)

9(e). DESI requested funding for the following CIT hours to accomplish Claimant's specified objectives/goals: "educational training and self-advocacy" - four hours per week; "money management" – three hours per week; "community participation training" – two hours per week; "career awareness – planning for income" – three hours per week; "health and wellness" – three hours per week; and "safety and mobility skills" – two hours per week. DESI assessed the need for a total of 68 hours per month.

10. Effective November 2016, ELARC approved an increase of Claimant's CIT hours from 30 hours to 68 hours per month. In an October 27, 2016 email sent Claimant's former Service Coordinator, Lupe Jacquez, to DESI, Ms. Jacquez indicated that the increase was "for 3 months only. At the end of 3 months we will re-assess the case." (Exhibit 7.) Ms. Jacquez had noted in an earlier email to Claimant's mother on October 6, 2016:

The 3 months should be sufficient time to have DESI work on making sure that [Claimant] has all the appropriate services. This will allow for DESI to go and assist [Claimant] in obtaining the help she needs from the school. DESI is a skill based building program it is not meant to be used in lieu of a [personal assistant (PA)]. I know you have mentioned that [Claimant] does not feel comfortable asking the school to provide someone to take notes for her but this is a service that needs to be obtained. In order to make sure that [Claimant] is successful she needs to be able to access all the

services that are offered to her at school. A community college setting is a lot different than a high school setting. It would be very beneficial to [Claimant] that she learns how to work with different people. This will also benefit her in the future when it comes to employment. The more people [Claimant] interacts with the better she will do with her interpersonal skills. Please consider the PA services for [Claimant.]

(Exhibit 7.)

11. Claimant's November 2016 IPP documented that Claimant required a great deal of support in order to be successful in school. This included prompts from others to follow along in class and reminders to ask the note taker for a copy of the notes. DESI also assisted her with understanding her homework, organizing her assignments, and obtaining clarification of things she does not comprehend. Claimant was also working on money management with DESI. In November 2016, Claimant was just starting to cross streets. She was getting better at looking both ways and was learning community safety skills with DESI. The Service Agency offered Claimant a PA "to assist with school safety and learning the school campus." (Exhibit 3.)

12. During the Winter 2017 term, Claimant took one class (Health Education), and during the Spring 2017 term, Claimant completed four classes (American Sign Language II, Introduction to Academic Reading, Writing Workshop I, and Wellness and Fitness Lab). During the Summer 2017 term, Claimant took one class (Public Speaking), and she is currently taking four classes for the Fall 2017 term (Intermediate Academic Reading, Cardiovascular Fitness, Study Skills Lab, and Introduction to Theatre). Claimant has a 2.625 cumulative grade point average at GCC.

13(a). DESI issued several reports to document the progress toward achieving Claimant's goals and objectives. A sample of the reports is discussed below.

13(b). In June 2017, DESI issued a report describing progress during the Spring 2017 term. Regarding the objective of "educational training and self-advocacy," DESI wrote:

During the first few days of her [Wellness and Fitness Lab] class, [Claimant] stated that it was too much information and became overwhelmed due to her difficulties retaining information. Her [CIT] educator verbally reassured her that she will assist her with note taking techniques, exam accommodations, study skills, memory-improvement skills, and any other assistance she may need to help her retain the information and help ease the process. Her educator also introduced various methods to help [Claimant] retain and understand information by using highlighters, flashcards, and an online dictionary when she began to forget information being taught to her. [Claimant] has been noted to utilize these methods independently at times but can will [s/c] also need verbal prompting and reminders from her educator when needed. [Claimant] and her educator often partnered up during class so they can take more efficient notes and take down important information. [Claimant] was also given and uses a daily planner by the [GS], . . . [Claimant] has been noted to . . . display improvement in her organizational skills by using the daily planner provided to her and completing homework based on the level of difficulty. Her educator

continues to work with [Claimant] on a checklist that was created to help her check off necessary supplies that she needs to take with her to complete her homework at the library. . . .

(Exhibit 9.)

13(c). In August 2017, DESI issued a report describing progress during the Summer 2017 term. Regarding Claimant's overall progress, DESI wrote:

[Claimant] requires multiple forms of schedule reminders. She can have a DESI calendar at home as well as a reminder via text from the educator and will still forget/wake up late . . . .

If not reminded multiple times by CIT educator, [Claimant] often forgets important materials such as wallet, house keys, hearing aids, etc. Educator has supported training in this area by creating a checklist to be used before leaving home to bring along any important items. [Claimant] follows through but requires prompts to do so. . . .

Through [GS] (a natural and on-campus support DESI helped [Claimant] find and apply) [Claimant] receives a \$50 gift card to purchase food on campus. . . . [Claimant] will only set budget if prompted by educator. . . .

[Claimant] requires reminders to set appointments with her DSPS advisor/[GS] counselor throughout the year at GCC. . . . If she attends a meeting alone, [Claimant] is not able to

retain information and pass it down to the educator or mom and her counselor is unwilling to share information unless [Clamant] requests it. [Claimant] requires prompting and priming to ask counselor to release papers for DESI educator to attend the meeting.

(Exhibit 13.)

13(d). DESI also noted in its August 2017 report the details of Claimant's daily CIT training for the month of July. For example, on a typical day of CIT training at school, the educator would wait for Claimant's public speaking class to end then take her to the library. After gathering all needed materials, the educator would review the class lecture via an audio recording on Claimant's cellphone. The educator would then assist Claimant by asking questions based on Claimant's knowledge of vocabulary, would identify any difficulty, and request Claimant provide a summary in her own words when she expressed confusion or misunderstanding of the topics. The educator also assisted by reviewing the class syllabus for due dates of assignments and homework. CIT training in the community and at home included shopping for clothes and food, identifying unsafe situations and street conditions, and preparing meals.

14. On June 21, 2017, the Service Agency sent Claimant a Notice of Proposed Action (NOPA), stating that it was decreasing the CIT hours to the prior 30 hours per month. (Exhibit 1.) The NOPA further stated that the reason for the proposed action as follows:

In September 2016 additional hours of [CIT] with DESI was granted on a temporary basis in order for [Claimant] to get accustomed to attending [GCC]. An additional 38 hours was funded for a total of 68 hours per month. Several extension were provided and throughout the entire time ELARC

continued to remind vendor and family that if support is needed at school it would be more appropriate to utilize [sic] personal assistant services. ELARC is not denying [Claimant] may need support in order to access school but CIT services are not meant as tutor or personal assistant services. Another resource to provide support is the disabled students program at [GCC] which can provide to [Claimant] as a generic resource which appears not to have been utilized to fullest extent.

(Exhibit 1.)

15. Claimant filed a Fair Hearing Request seeking continued funding of the CIT services for 68 hours per month.

16(a). On September 11, 2017, DESI issued a progress report, which noted the same objectives for Claimant's CIT which were noted in the December 7, 2015 report and additional progress reports dated October 12, 2016, December 19, 2016, June 14, 2017, and August 7, 2017. The progress for all objectives remained characterized as "emerging."

16(b). Regarding the first objective, "educational training and self-advocacy," DESI noted:

With verbal prompts and reminders from her educators, [Claimant] is able to set up and keep her appointments with her DSPS and [GS] counselors. To ensure that [Claimant] is able to retain information presented by her teacher and other staff, [Claimant] needs a step-by-step breakdown of her assignments, comprehension checks, and assistance with organizing school materials and supplies from her educators.

If [Claimant] is unsure of a teacher's instructions and/or assignments, her educators also assist [Claimant] with contacting her teacher via email requesting clarification and/or assistance.

[T]o assist [Claimant] in ensuring she has the necessary textbooks for her classes, her educators assisted [Claimant] with applying for textbook assistance from the [GS]. . . .

[Claimant] has also been able to request the status of her financial aid award when visiting the Financial Aid office at GCC as well as online to follow-up on any needed financial documentation and/or provide corrections to her FAFSA with her educators. . . . To provide comprehension of the G.E. required courses that she needs to take, [Claimant] and her educator visited the Academic Counseling Department where [Claimant] was provided with a document explaining required courses, number of units, and necessary information to satisfy the G.E. requirements.

[S]o that she does not miss any important information from school, her educators verbally prompt [Claimant] to check her school email on a daily basis so that she is informed and does not miss anything. When visiting her DSPS counselor for an appointment, her educator continues not to be allowed during the meeting and was informed by the counselor that only parents are allowed in and can provide information to the educator once the meeting is over. Her

educators have also assisted [Claimant] with scheduling all her CIT sessions and other important dates and times on her . . . calendar . . . to help [Claimant] follow her set schedule and attend to important matters regarding school. [Claimant] has also purchased a chalkboard . . . to hang in her room and note her daily to-do list, important information, and assignment due dates for her to cross-out when complete.

(Exhibit A.)

16(c). The plan for meeting the objective of “educational training and self-advocacy” was the same as the plan set forth in the Addendum and subsequent progress reports. (See Factual Finding 9(d).)

17. At the fair hearing, Claimant and her mother testified credibly that Claimant needed to keep the current level of CIT hours through DESI. They noted that, although Claimant had attempted to work independently with her CSD/DSPS counselor at GCC as required, Claimant had been disappointed with that process. Claimant described the counselor as “rude,” “trying to force” her to enroll in English and mathematics courses concurrently, which Claimant resisted. According to Claimant’s mother, Claimant’s brother was sitting outside the CSD/DSPS counseling office during the session, and he heard the counselor yelling at Claimant who was crying. Claimant’s mother acknowledged that Claimant is learning how to deal with difficult people, but stated she cannot be expected to learn this immediately.

18. DESI Director Jinzo also testified credibly on Claimant’s behalf. Ms. Jinzo confirmed that CIT services are not time-limited and that DESI clients will “graduate” from CIT services once they achieve their goals. Ms. Jinzo opined that Claimant continues to require 68 hours of CIT services. She could not estimate how much longer Claimant will continue to require CIT services but instead noted that the length of time



to “graduate” is dependent on the consumer; each consumer learns skills at their own pace, and some take longer than others to become independent and integrate into the community.

19(a). Mr. Illingworth and Ms. Jacquez testified on behalf of the Service Agency. Although their testimony was generally credible, they provided some opinions which had insufficient support.

19(b). Ms. Jacquez pointed out that DESI is a skilled-based program and that Claimant should be learning skills from DESI. Ms. Jacquez opined that DESI was “sheltering” Claimant without teaching her the skills needed to be successful. She believed that DESI was not helping Claimant to access resources, but “they were being the resources themselves.” Ms. Jacquez did not address DESI’s level of involvement in light of Claimant’s difficulty with her CSD/DSPS counselor and the impact of this counseling breakdown on Claimant’s ability to access the generic resources offered by DSPS.

19(c). The Service Agency admits that Claimant needs support in order to access services and education at GCC. Mr. Illingworth agreed that Claimant is not “100 percent independent” and that “there is a need for some type of support at school,” but he opined that there were other more “appropriate services.” Both Mr. Illingworth and Ms. Jacquez believe that the assistance of a PA would be beneficial for Claimant. Mr. Illingworth explained that a PA “helps with many aspects of a person’s life” such as safety in the community. However, neither specified how a PA would replace DESI’s 38 hours of deleted services while continuing to meet Claimant’s needs.

19(d). Mr. Illingworth admitted that CIT is not time-limited. However, Ms. Jacquez noted that “it is not a permanent service.” Mr. Illingworth also pointed out that the purpose of CIT is integrate someone into a new setting, and that CIT services are “usually temporary until [the consumer is] acclimated to a new situation.” He noted that

the temporary granting of 38 additional hours for three months was to allow Claimant to acclimate to the college setting, to enable her to access campus resources independently, and to teach her to advocate for herself. However, the Service Agency provided a confusing explanation of how it arrived at the proposed elimination of the 38 hours. When asked how it was determined that a return to 30 hours was more appropriate than 68 hours, Mr. Illingworth testified that he was "not saying to remove 38 hours of service." Instead, he stated that the number of hours of a "more adequate" replacement service "would depend on the assessment." Although he asserted that there were generic services at GCC to meet Claimant's needs, he was unable to adequately specify how the GCC generic services and/or other services will fill in the void after 38 hours of CIT are eliminated. Instead, he noted that DSPS "offers a lot of the same things that DESI is claiming to provide such as note-taking and tutoring." Mr. Illingworth did not address Claimant's difficulty with her CSD/DSPS counselor and how this affected her ability to utilize the generic resources at GCC. Neither Ms. Jacquez nor Mr. Illingworth provided specific and credible testimony to establish how, after reducing CIT services by 38 hours, the Service Agency will be able to continue meeting Claimant's needs.

19(e). Neither Ms. Jacquez nor Mr. Illingworth provided testimony to contradict Ms. Jinzo's credible opinion that Claimant continues to need 68 hours of CIT services at this time.

20(a). The totality of the evidence established that Claimant is continuing to make slow but reasonable progress toward the goals set forth in her IPP – i.e. to "receive appropriate education that will meet her educational goals and vocational goals," "be as independent as possible," and "feel safe at home and in the community." (See Factual Finding 2.)

20(b). No specific, skill-oriented goals or objectives are set forth in Claimant's IPP. To meet Claimant's IPP goals, DESI identified several objectives which were set forth in their reports – i.e., "educational training and self-advocacy," "money management," "community participation training," "career awareness – planning for income," "health and wellness," and "safety and mobility skills." However, DESI's Addendum and progress reports were not organized or worded in a way which would allow the Service Agency to easily measure Claimant's progress toward her goals and objectives. Instead, the objectives and plans, as set forth in DESI's Addendum and reports, included several actions which the DESI educators would perform and listed few specific skills for Claimant to master. Specifically regarding the objective of "educational training and self-advocacy," DESI noted that Claimant "will continue to develop organizational and study skills to participate successfully in her academic courses" (See Factual Finding 5(b)), and included in the plan that Claimant "will learn about other resourceful tools that assist in being able to maintain an organized schedule," while educators will "provide resources as well as support [Claimant] for an appropriate academic program," "collaborate with . . . all parties involved to implement and ensure a successful outcome," and "note progress made and barriers encountered by [Claimant] while working towards this goal." (See Factual Finding 9(d).) In order to allow for easier measurement of progress and monitoring of service delivery, future CIT reports should include specific skills Claimant needs to master to meet the listed objective (e.g., for her educational objective: organizing her schedule/calendar daily; setting up appointments with counselor/tutor/Financial Aid office; setting up reminders to keep appointments; obtaining class materials/books; organizing school/class materials; checking school email daily; etc.) and should note the progress Claimant has made toward mastering those skills in order to meet her specified objective.

## LEGAL CONCLUSIONS

1. Claimant's appeal of the Service Agency's reduction of the number of funded CIT hours from 68 to 30 hours is sustained. (Factual Findings 1 through 20; Legal Conclusions 2 through 10.)

2(a). Where a change in services is sought, the party seeking the change has the burden of proving by a preponderance of the evidence that a change in services is necessary. (See, Evid. Code, §§ 115 and 500.) In attempting to reduce Claimant's CIT hours, the Service Agency bears the burden of proving that the reduction in hours is necessary because the current number of hours is not necessary or is not effective in meeting the goals stated in Claimant's individual program plan (IPP).

2(b). The Service Agency has not met its burden of proof that a reduction of CIT services from 68 to 30 hours is warranted at this time (i.e. that the bases for the previously-approved level no longer exist).

3. A service agency is required to secure services and supports that: meet the individual needs and preferences of consumers (Welf. & Inst. Code, §§ 4501 and 4646, subd. (a).); support their integration into the mainstream life of the community (Welf. & Inst. Code, §§ 4501 and 4646, subd. (a).); "foster the developmental potential of the person" (Welf. & Inst. Code, § 4502, subd. (b)(1); and "maximize opportunities and choices for living, working, learning and recreating in the community" (Welf. & Inst. Code, § 4640.7, subd. (a).).

4. Welfare and Institutions Code section 4512, subdivision (b) provides, in part:

[T]he determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the

consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option. (Emphasis added.)

5. Welfare and Institutions Code section 4646 provides, in part:

It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources. (Emphasis added.)

6. Welfare and Institutions Code section 4646.5 provides, in part:

- (a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

[¶] . . . [¶]

(2) A statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time-limited objectives for implementing the person's goals and addressing his or her needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery. These goals and objectives should maximize opportunities for the consumer to develop relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over his or her life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals. [¶] . . . [¶]

(4) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. The plan shall specify the approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services. (Emphasis added.)

7. Welfare and Institutions Code section 4648, subdivision (a)(1), provides:

In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways. [¶] . . . [¶]

(7) No service or support . . . shall be continued unless the consumer or, where appropriate, his or her parents . . . is satisfied and the regional center and the consumer or, when appropriate, the person's parents . . . agree that planned services and supports have been provided, and reasonable progress toward objectives have been made. (Emphasis added.)

8. Pursuant to the Lanterman Act, an IPP must include a statement of the consumer's goals and objectives, based on the consumer's needs and preferences. Services provided a consumer must be effective in meeting the consumer's IPP goals, and there must be reasonable progress toward objectives.

9. Since DESI began providing services for Claimant to help her integrate into the college setting at GCC, Claimant has made reasonable (albeit very gradual) progress in her CIT. Although she has received a year of CIT, which was much more than the Service Agency initially anticipated she would need, the evidence established that CIT services are continuing to be effective in progressing her toward meeting her IPP goals and objectives. The totality of the evidence established that deleting 38 hours of CIT to

reduce the service from its current 68 hours is premature. Therefore, ELARC did not prove by a preponderance of the evidence that a reduction in the number of CIT hours is warranted at this time.

10. However, in order to allow for easier measurement of progress and monitoring of service delivery, the service provider's future reports should include specific skills Claimant needs to master to meet the listed objectives.

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## ORDER

1. The Service Agency's proposed reduction of Claimant's CIT hours from 68 hours to 30 hours is overruled, and Claimant's appeal is sustained.

2. Eastern Los Angeles County Regional Center shall continue to fund 68 hours per month of CIT until May 31, 2018, or the end of Spring 2018 term at GCC, whichever occurs later. At that time, the feasibility of a decrease in CIT hours should be re-assessed.

3. In order to provide a clear means of measuring progress and monitoring service delivery, at the next scheduled IPP in Fall 2017, the parties shall identify specific CIT steps/skills Claimant must master to meet her IPP goals and objectives. These CIT



steps/skills shall be specified either in the IPP or in a CIT progress report which shall be incorporated by reference into the Fall 2017 IPP.

DATED:

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JULIE CABOS-OWEN

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.