

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

In the Matter of:

CLAIMANT,

vs.

SAN GABRIEL/POMONA REGIONAL CENTER,

Service Agency.

OAH No. 2021020269

DECISION

Julie Cabos-Owen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 21, 2021. Daniel Ibarra, Fair Hearing Specialist, represented San Gabriel / Pomona Regional Center (SGPRC or Service Agency). Claimant was represented by his mother.

Testimony and documentary evidence were received. The record closed and the matter was submitted for decision on April 21, 2021.

ISSUE

Should SGPRC be required to continue meeting with Claimant's parent weekly to finish developing Claimant's Individual Program Plan (IPP) goals after having signed the IPP?¹

EVIDENCE

Documentary: Service Agency exhibits 1 - 8; Claimant's exhibits A - I.

Testimonial: Monica Romero, SGPRC Family Services Department Manager; Nancy Ojeda, Service Coordinator; and Claimant's mother.

¹ Since Claimant's mother signed the IPP, but later rescinded her signature, the parties agreed the other issues listed in the January 21, 2020 Notice of Proposed Action (NOPA) and the resulting February 4, 2021 Fair Hearing Request (FHR) (i.e., whether SGPRC should close Claimant's file and discontinue services due to the unsigned IPP) need not be addressed at the current hearing. Additionally, although Claimant included an unrelated January 13, 2021 NOPA in her evidence packet, she filed no FHR specifically addressing that NOPA. Consequently, the issue(s) in the January 13, 2021 NOPA were not addressed at the current hearing and are not included in this Decision. Claimant's parent was instructed to submit a separate FHR addressing the separate issues in the January 13, 2021 NOPA to allow the parties the opportunity to prepare evidence for a subsequent fair hearing.

FACTUAL FINDINGS

1. Claimant is a three-year, 10-month old male client of SGPRC who lives with his parents and three siblings. He qualifies for regional center services under a diagnosis of Autism Spectrum Disorder (ASD).

2. Claimant had previously been a client of the Service Agency under the Early Start Program.²

3. Claimant currently receives regional center funded services including respite and Applied Behavior Analysis therapy.

² "Early Start" is the name used in California to refer to a federal program for children under age three who are at risk for certain disabilities. The governing law for Early Start is The Individuals with Disabilities Education Act (IDEA), Subchapter III, Infants and Toddlers with Disabilities (20 U.S.C. §§ 1431-1445) and the applicable federal regulations found in Title 34, Code of Federal Regulations (C.F.R.), section 303, et seq. Each state was given the opportunity to receive federal funds for providing services to eligible children 36 months of age and younger if the state complied with federal rules and regulations. California chose to participate, and the Legislature passed legislation necessary for that participation. The California Early Intervention Services Act is found at Government Code section 95000, et seq. California also adopted regulations to implement the statutory scheme. (Cal. Code Regs., tit. 17, §§ 52000-52175.)

4. As Claimant was transitioning from the Early Start Program, Claimant's mother and his new Service Coordinator (SC), Nancy Ojeda, began the process of developing his initial IPP to document Claimant's status, goals, and services at that time.

5. The IPP meeting was supposed to occur in June 2020 and result in an initial IPP for 2020 (2020 IPP). However, the IPP meeting was delayed so Claimant's mother could review Claimant's eligibility assessment and could obtain training to better understand the IPP process. SGPRC provided Claimant's mother several supports to help her navigate the IPP process including a training session with SGPRC's Outreach Specialist, and a multi-session training program entitled "Navigating the Regional Center System." Claimant's assessment was received by Claimant's mother by July 7, 2020.

6. The first IPP meeting took place on September 29, 2020, via videoconference. The participants were SC Ojeda, Family Services Department Manager Monica Romero, a parent mentor, and Claimant's mother, aunt, and cousin. The meeting lasted five hours, 20 minutes. The 2020 IPP was not finalized at that meeting. Claimant's mother had a lot of questions and concerns about ensuring Claimant's goals were sufficiently detailed. Additionally, Manager Romero had to explain certain technical issues to Claimant's mother. For example, Manager Romero had to explain that, while SGPRC could identify a service as being something for which a school district is responsible, SGPRC had no authority to "assign" services for a school district to perform.

7. SC Ojeda and Claimant's mother met again by videoconference on October 2, 2020. That meeting took about four hours, but the 2020 IPP was not finalized.

8. After the October 2, 2020 meeting SC Ojeda was allowed 30 days to write the 2020 IPP. She drafted the 2020 IPP and sent it to Claimant's mother for review. They met four additional times to go over the draft 2020 IPP.

9. SC Ojeda and Claimant's mother met again by videoconference on November 11, 2020. That meeting took three hours, but the 2020 IPP was not finalized.

10. SC Ojeda and Claimant's mother met again by videoconference on November 16, 2020. That meeting took two to three hours, but the 2020 IPP was not finalized.

11. SC Ojeda and Claimant's mother met again by videoconference on November 30, 2020. That meeting took under two hours, but the 2020 IPP was not finalized.

12. SC Ojeda and Claimant's mother met again by videoconference on December 7, 2020. That meeting took three hours, but the 2020 IPP was not finalized.

13. By the end of the December 7, 2020 meeting, the parties had met a total of 18 to 19 hours. Claimant's mother estimates they are about halfway through completing the 2020 IPP.

14. Claimant's mother initially signed the 2020 IPP, but later rescinded her signature. Nevertheless, the parties have proceeded with this hearing as if the 2020 IPP was signed.

15. The most updated version of the 2020 IPP is 35 pages long. The first 10 pages set forth lengthy descriptions of Claimant's daily life including his daily life skills, communication skills, personal and emotional growth, "getting around town" and "fun" (Exhibit 6, pp. 32-33), health and fitness, risk assessment, living situation, and

work/school situation. The next three pages describe Claimant's specified short-term and long-term future goals. The next 21 pages list Claimant's 22 specific desired outcomes and the supports needed from Claimant, his family and friends, the community, and support service agencies.

16. As the process of developing Claimant's 2020 IPP continued, SC Ojeda and Manager Romero felt that the weekly meetings were less and less productive and involved a large amount of time reviewing the 2020 IPP line by line. In order to make more efficient use of their time, and to ensure SC Ojeda was able to assist all the families in her caseload, SGPRC asked Claimant's mother to continue the IPP collaboration process in writing. Although SC Ojeda drafted the 2020 IPP in the format typically used by SGPRC, she informed Claimant's mother that if she did not like the offered format, she could submit an example of her preferred format. SGPRC also asked Claimant's mother to indicate in writing what changes/additions she sought to make to the draft 2020 IPP report, and SGPRC would review those suggested changes/additions and respond in writing.

17A. On December 29, 2020, SGPRC sent Claimant's mother an email suggesting they continue their IPP collaboration by email to make better use of their time. Specifically, the email stated:

In order to move forward and make the best of everyone's time, I would like to reiterate that we would like to see the revisions you want done on the draft IPP sent to you, so that we can focus on those changes. You've had 2 IPP meetings and at least 4 follow up meetings.

Please submit your desired changes so that your SC and manager have an opportunity to review them and be prepared to answer questions related to those editing revisions. The wording on an IPP should not be reason to delay signing the IPP. We have addendums that can be completed when services are agreed upon. You have the right to appeal if you disagree with any denials provided to you.

I am recommending an agenda for each meeting and a time limit so that your SC can plan her schedule accordingly. She has approximately 75 families on her caseload and needs to also meet with the rest of her families for the months of November and December.

Please review your draft and forward your editing revisions so that Ms. Ojeda can schedule your next meeting to complete your IPP.

(Exhibit E.)

17B. The same day, Claimant's mother sent a response to SGPRC's email, seeking additional weekly meetings to continue going through Claimant's goals and outcomes. Her December 29, 2020 email stated:

In our most recent (prior) IPP meetings we have collaborated and agreed with revisions and details of the objectives as to who, when, how goals and objectives would be met. As well as Risk Assessments and other general

services and supports for the IPP and made progress to finalize the plan, however this was no longer an option with [SGPRC's] decision to stop the meetings. We are half way through the IPP, as we are developing the IPP, the regional center representative is making note of any disagreements and noted in the IPP so that I can sign the IPP and follow up with due process for the areas of disagreements.

I am not holding up the development of my son[']s IPP for minor word revisions. I am trying to collaborate with the Regional Center as to how they will provide support and services and when, where and for how long?

The majority of the goals and objectives now, does not mention the who, what, where and when on behalf of the regional center only parent and general resources. It only says that the service coordinator would monitor and review progress.

So should parent and general supports fail, there is nothing set in place to secure services and support on behalf of the Regional Center.

Which essentially Regional Center would do nothing but monitor, as its form of securing services and supports as it negates its essential role that DDS has contracted them to ensure.

(Exhibit E.)

18A. On January 21, 2021, SGPRC issued a NOPA, denying Claimant's mother's request for continued weekly meetings to make unspecified changes to the 2020 IPP. The stated reason for the action was as follows:

On 12/10/2020, you received a letter from Regional Center stating that we make every effort to collaborate with the individuals we support and their families. The letter pointed out that we met with you twice for the purpose of developing [Claimant's] initial IPP. You had signed the IPP but later rescinded your signature. You received the IPP report for [Claimant] on 10/28/20 for your review. Since then, we have met four more times to address wording, services, and supports. We are currently operating in good faith without a signed IPP for [Claimant]. In the 12/10/20 letter, you were asked to review your IPP report, make editing changes, share those changes, and then schedule one last meeting to finalize your IPP. RC also requested in the letter that you set an agenda for any future meeting request and limit these meetings to one hour. This request is based on the fact that we have met with you for 17 hours across six different meetings, and we haven't been able to finalize your IPP. We called you on 1/13/21 to ask you if you had completed the review of the IPP report and if you were ready to share editing changes in writing with us, so that we could read them and better prepare for the final meeting and finalize the IPP. You responded that you were not going to share any notes, edits or questions in writing

because you feel that that wouldn't be a collaborative way to complete the IPP since you would be making these edits alone. You stated that the current goals in the IPP are very vague and it's necessary to go through them together to tailor them to [Claimant's] needs. You acknowledged you have received one-on-one and group training on the IPP process, but you feel the training was not specific enough to [Claimant's] needs. You said that when Regional Center limits or rushes these meetings, [Claimant's] rights are violated. You considered that as a team we are half-way through the process, and by continuing the 3 hour weekly meetings we will achieve a completed IPP for [Claimant].

(Exhibit 1.)

18B. As authority for its action, the Service Agency cited Welfare and Institutions Code sections 4646, subdivisions (g), and 4646.4, subdivision (a).

18C. Claimant's mother filed a Fair Hearing Request appealing the Service Agency's denial of her request for continued weekly meetings.

19. SGPRC has continued to fund services as noted in Claimant's draft 2020 IPP.

20. Claimant's IPP meetings are scheduled to occur annually in June. The current IPP was scheduled to be completed in June 2020. The next annual IPP meeting is due in June 2021.

21. SC Ojeda and Manager Romero credibly testified at the fair hearing. Their testimony established the following:

A. SC Ojeda has a caseload of 83 children. She visits with each family at least once per year to review the child's needs and different aspects of their lives to ensure services are being accessed. She must complete 83 reviews per year and coordinate those 83 children's services.

B. Typically, IPP meetings take about two hours to complete, with the longest completion time of about four hours.

C. The purpose of the IPP meeting is to collect information to understand a child's status, including his strengths and his needs, to develop meaningful goals, and to monitor the child's progress in different areas of his life.

D. The SC strives to help develop goals that a child can meet in the span of three years, which is the typical IPP meeting schedule, or in a one-year span if the family chooses an annual IPP as Claimant's mother did. The SC and family will also discuss long term goals. However, the IPP cannot address all hypothetical future situations. For example, in this case Claimant's mother wanted to have a specific plan for any future emergencies in case she later became unable to care for Claimant. This could not be placed in the IPP, which is supposed to set forth a one-year plan rather than attempt to plan for an unknown future.

E. The IPP does not include service-oriented goals, but instead looks to the Claimant's needs and wants. For example, rather than a goal stating, "Claimant will be provided with Sonicare," the goal is stated, "Claimant will have good oral health." The service or support tied to that goal will be, "Claimant will be provided with Sonicare," to be supplied by an identified source (e.g., family, generic resource, or Service Agency).

F. In identifying ways to meet a child's goals, the Service Agency and the child's parent talk about how the child may be supported, including who will be his circle of support, and what services (both generic and Service Agency funded) will be tied to those goals. In this case, some of Claimant's identified goals already have services ongoing with specified dates and vendors. For goals without specified services, the identified support may be more general. For example, if a goal is stated, "Claimant will play a musical instrument," and there has not yet been a request for a new service, the identified support may merely state, "Regional Center will follow up regularly" (i.e., at the annual IPP meeting).

G. In this case, the draft 2020 IPP has 22 goals identified by Claimant's mother, and for each goal there are identified supports for meeting the goal including supports from Claimant's family, the community, and service agencies (both generic services and SGPRC). This is the "who, what, where" portion of the IPP that Claimant's mother wishes to further explore.

H. An IPP meeting is generally not the time to develop an agreement for funding for new services. A request for new services is typically made to the SC who will forward it to the manager for approval or denial. Addendums may address new approved services. Any service denial may be placed in a NOPA and subject to a request for fair hearing.

I. After the IPP meeting is completed, the SC has 30 days to write the IPP, which must be approved by the manager and sent to the consumer's parents for review. Sometimes corrections must be made. After an IPP is finalized, the parent typically signs the document, and the family can seek to make changes or additions to the IPP later through an addendum. Addendums are subject to mutual agreement, and if both parties don't agree, the addendum does not become part of the IPP.

J. The parties have to continue developing the IPP until it is signed. SGPRC believes the parties can continue to collaborate more efficiently in writing, by exchanging emails, rather than engaging in continued weekly meetings with no identifiable end point.

22. Claimant's mother testified at the fair hearing on Claimant's behalf. She asserted that the IPP must be developed "jointly," which must occur through meetings and conversations. Claimant's mother insisted that SGPRC's suggested written collaboration creates "a lot of work" for her and requires her to "develop the IPP by [her]self." Claimant's mother believes they could finalize the IPP in two to three more meetings.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. An administrative hearing to determine the rights and obligations of the parties is available under the Lanterman Developmental Disabilities Services Act (Lanterman Act) to appeal a regional center decision. (Welf. & Inst. Code, §§ 4700-4716.) Claimant timely requested a hearing following the Service Agency's denial of the request for continued weekly meetings to finalize the IPP. Therefore, jurisdiction for this appeal was established.

2A. When a party seeks government benefits or services, he bears the burden of proof. (See, e.g., *Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefits].) Where a change in services is sought, the party seeking the change bears the burden of proving that a change in services is necessary. (See Evid. Code, § 500.) The standard of proof in this case is a preponderance of the

evidence, because no law or statute (including the Lanterman Act) requires otherwise. (See Evid. Code, § 115.)

2B. In seeking additional weekly meetings to finalize Claimant's IPP, Claimant bears the burden of proving by a preponderance of the evidence that the additional weekly meetings are appropriate. Claimant has failed to meet his burden of proof.

General Provisions of the Lanterman Act

3. A service agency is required to ensure the provision of services and supports to consumers that meet their individual needs, preferences, and goals as identified in their IPPs. (Welf. & Inst. Code, §§ 4501; 4512, subd. (b); 4646, subd. (a); 4648, subd. (a)(1).)

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 [IPP] 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[.]

5. In securing services for its consumers, a service agency must consider the cost-effectiveness of service options. (Welf. & Inst. Code, §§ 4646, subd. (a); 4512, subd. (b).)

6. Additionally, when purchasing services and supports, service agencies are required to ensure the "utilization of generic services and supports when appropriate." (Welf. & Inst. Code, § 4646.4, subd. (a)(2).)

7. Once provided, no service or support can be continued unless the service or support has made "reasonable progress" toward identified objectives and goals. (Welf. & Inst. Code, § 4648, subd. (a)(7).)

The IPP Process and Service Agency's Cited Bases for Denial

8. Welfare and Institutions Code section 4646.5, subdivision (a), requires the IPP planning process to include:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole[.]

(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 the person's needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery[.] [¶] . . . [¶]

(5) 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 [IPP] 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 individual program 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[.] [¶] . . . [¶]

(8) A schedule of regular periodic review and reevaluation to ascertain that planned services have been provided, that objectives have been fulfilled within the times specified, and that consumers and families are satisfied with the individual program plan and its implementation.

9. Welfare and Institutions Code section 4646.5, subdivision (b), provides:

For all active cases, [IPP's] shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's

achievement or changing needs, and no less often than once every three years. If the consumer or, if appropriate, the consumer's parents, legal guardian, authorized representative, or conservator requests an individual program plan review, the individual program plan shall be reviewed within 30 days after the request is submitted, or no later than 7 days after the request is submitted if necessary for the consumer's health and safety or to maintain the consumer in their home.

10. Welfare and Institutions Code section 4646 provides in pertinent part:

(a) It is the intent of the Legislature to ensure that the [IPP] 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, when 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.

(b) The [IPP] is developed through a process of individualized needs determination. The individual with

developmental disabilities and, when appropriate, the individual's parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.

(c) An [IPP] shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment[.]

(d) [IPP's] shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's [IPP] and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, when appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting. [¶] . . . [¶]

(f) At the conclusion of an [IPP] meeting, an authorized representative of the regional center shall provide to the consumer, in written or electronic format, a list of the agreed-upon services and supports, and, if known, the projected start date, the frequency and duration of the services and supports, and the provider. The authorized representative of the regional center shall sign the list of agreed-upon services and supports at that time. The

consumer, or when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the list of agreed-upon services and supports prior to its implementation. The consumer, or when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, may elect to delay receipt of the list of agreed-upon services and supports pending final agreement, as described in subdivision (g)[.]

(g) If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the request of the consumer or, when appropriate, the parents, legal guardian, conservator, or authorized representative or when agreed to by the planning team. The list of the agreed-upon services and supports described in subdivision (f) and signed by the authorized representative of the regional center shall be provided, in writing or electronically, at the conclusion of the subsequent program plan meeting, and shall be provided in the native language of the consumer, or the consumer's parent, legal guardian, conservator, or authorized representative. Additional program plan meetings may be held with the agreement of the regional center representative and the consumer or,

when appropriate, the parents, legal guardian, conservator, or authorized representative.

(h) An authorized representative of the regional center and the consumer or, when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative shall sign the [IPP] and the list of the agreed-upon services and supports prior to its implementation. If the consumer or, when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with all components of the individual program plan, the consumer may indicate that disagreement on the plan. Disagreement with specific plan components shall not prohibit the implementation of services and supports agreed to by the consumer or, when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative. If the consumer or, when appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, does not agree with the plan in whole or in part, the consumer shall be sent written notice of the fair hearing rights, as required by Section 4701. (Emphasis added.)

11. Welfare and Institutions Code section 4646.4 provides, in pertinent part:

(a) Regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer's [IPP] developed pursuant to Sections 4646 and

4646.5. . . , the establishment of an internal process. This internal process shall ensure adherence with federal and state law and regulation, and when purchasing services and supports, shall ensure all of the following:

(1) Conformance with the regional center's purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.

(2) Utilization of generic services and supports when appropriate. . . .

(3) Utilization of other services and sources of funding as contained in Section 4659.

(4) Consideration of the family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs as provided in the least restrictive and most appropriate setting[.] [¶] . . . [¶]

(c) Final decisions regarding the consumer's [IPP] shall be made pursuant to Section 4646.

12A. The Lanterman Act envisions the prompt development of an IPP identifying a consumer's needs and goals so that services tied to those needs and goals can be funded, and there can be periodic review of whether the funded services are meeting a consumer's needs.

12B. Pursuant to Welfare and Institutions Code section 4646, subdivision (c), an initial IPP must be completed within 60 days of the completion of the eligibility assessment. Claimant's assessment was received by his mother by July 7, 2020. Consequently, the 2020 IPP should have been completed by early October 7, 2020, at the latest. In this case, the first IPP meeting took place on September 29, 2020, and a subsequent meeting was convened on October 2, 2020, within the required 15-day time frame. (Welf. & Inst. Code, § 4646, subd. (g).) However, the 2020 IPP was not completed on that date.

12C. As allowed in Welfare and Institutions Code section 4646, subdivision (g), four additional IPP meetings were held pursuant to agreement of SGPRC and Claimant's mother. However, any further meetings requested by Claimant's mother are not required because SGPRC does not agree to them. Although Claimant's mother asserts that the continued IPP process must occur only through meetings and conversations and that she is being required to "develop the IPP by [her]self," her assertions are not persuasive. Nothing in the Lanterman Act precludes the parties' continued collaboration by written exchange. Claimant's mother is not being asked to develop the 2020 IPP on her own. Claimant's 2020 IPP was developed over a series of six meetings totaling almost 19 hours. The 2020 IPP currently stands at 35 pages. Claimant's mother is being asked to provide her suggested changes and additions in writing, and the Service Agency will make the necessary changes to the 2020 IPP. This process makes efficient and cost-effective use of the SC's time, who must also serve 82 other families. It also facilitates the finalization of Claimant's 2020 IPP and ensures continuity of services.

13A. Welfare and Institutions Code section 4646, subdivision (h), requires the parties to sign the 2020 IPP with a list of agreed-upon services "prior to its

implementation." As that statute specifies, if Claimant's parent does not agree with all components of the IPP, she may indicate that disagreement on the IPP, and a fair hearing process may ensue. "Disagreement with specific plan components shall not prohibit the implementation of services and supports agreed to by the consumer [or his] parent." (*Ibid.*)

13B. To date, SGPRC has been providing services for Claimant without a final signed IPP identifying goals and agreeing to the funded services as being necessary to meet Claimant's IPP goals. Thus, the parties are not currently in compliance with the requirements of Section 4646.4. However, SGPRC's actions and continued funding are intended to benefit Claimant and are consistent with the intent of the Lanterman Act. Nevertheless, the Service Agency's providing services without a final signed IPP does not waive the requirement of a signed IPP under Section 4646.4, and the Service Agency should not be required to indefinitely fund services outside the IPP process.

14. Given the foregoing, the Service Agency's denial of additional meetings to further develop the 2020 IPP is appropriate. Claimant's mother should be provided time to submit, in writing, her suggested changes and additions to 2020 IPP. The Service Agency should also have time to review, and where appropriate, to incorporate the changes/additions into the 2020 IPP and forward the document to Claimant's mother for signature. Pursuant to Welfare and Institutions Code section 4646, if Claimant's mother does not agree with all components of the 2020 IPP, she may indicate her disagreement to specific components of the 2020 IPP, and by her signature, indicate her agreement with other components of the 2020 IPP. Claimant's mother must sign the final 2020 IPP by May 28, 2020, in order to commence/continue services under the Lanterman Act.

ORDER

1. Claimant's appeal is denied.
2. Claimant's parent shall submit to SGPRC any requested additions or changes to the 2020 IPP in writing by May 14, 2021.
3. The parties may engage in continued written discussion/collaboration following Claimant's written submission.
4. SGPRC shall incorporate appropriate additions and/or changes into the 2020 IPP by May 24, 2021.
5. Claimant's parent will have until May 28, 2021, to sign the 2020 IPP agreeing to all or any portion of 2020 IPP and noting disagreement with any specified portion of the 2020 IPP.
6. If Claimant's parent does not sign the 2020 IPP by May 28, 2021, SGPRC may suspend funding for services until the 2020 IPP is signed, as allowed under the Welfare and Institutions Code and by any directive of the Department of Developmental Services.

DATE:

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.