

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

In the Matter of:

CLAIMANT,

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0025460

OAH No. 2025031063

DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, served as the hearing officer for this matter on October 17, 2025, and February 2, 2026, in San Jose.

Claimant's parent appeared for claimant, who was not present.

Appeals Resolution Specialist Esmeralda Rivera appeared for service agency San Andreas Regional Center.

The record was held open for submission of additional documentary evidence. These documents were timely received, and the matter was submitted for decision on February 20, 2026.

ISSUE

Is claimant eligible under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.) to receive services as a San Andreas Regional Center (SARC) consumer?

FACTUAL FINDINGS

1. Claimant was born in March 2019. She lives with her parent and younger siblings. Claimant's family speaks Spanish at home.
2. When she was almost two years old, claimant began receiving individualized instruction through the Early Start program. At three, claimant began attending a special education preschool, and began receiving speech therapy, through her local public school district.
3. Pediatrician Roxanne Almas, M.D., diagnosed claimant with autism spectrum disorder (ASD) in March 2022. Claimant began receiving regular Applied Behavioral Analysis (ABA) therapy in fall 2024.
4. Also in fall 2024, claimant applied to SARC for Lanterman Act services. After evaluating claimant, the SARC interdisciplinary team concluded that claimant does not meet statutory eligibility standards, because her ASD is not substantially disabling.
5. Clinical psychologist Ivania Molina, Ph.D., notified claimant's parent by letter in February 2025 that claimant is not eligible to become a SARC consumer. The

letter states that the SARC eligibility evaluation team agrees that claimant has ASD, but that claimant's ASD is not substantially disabling. Claimant timely appealed.

6. No evidence shows claimant to have any unusual difficulty in mobility. To the contrary, claimant sometimes opens doors or windows to leave rooms or buildings without permission, and sometimes runs away from adult companions in public.

7. During the 2024-2025 school year, claimant was in a special day class for special education students, but spent part of each school day in a general education class. In January 2025, in an ongoing review of claimant's eligibility for special education services, both her special education teacher and her general education teacher reported that claimant was cooperative and engaged in school, and that she had good relationships with classmates.

8. During the 2025-2026 school year, claimant remained in a special day class, with about one hour per day in a general education classroom. An Individualized Education Program (IEP) review in January 2026 states that her teachers consider claimant a beginning reader in English, and that she can count and do basic addition. Claimant's teachers describe her as a "smart student."

9. Claimant has received speech therapy for a few years. Her speech therapist reports (most recently in claimant's January 2026 IEP review) that claimant's articulation and comprehension have improved, but that ongoing therapy remains necessary. According to Vanshika Gupta, the clinical director at claimant's Applied Behavioral Analysis (ABA) therapy service, claimant uses age-appropriate language complexity when speaking, responds appropriately (when she chooses to) to spoken information or questions, and can follow instructions.

10. Claimant often places non-food items in her mouth, or even attempts to eat them. Gupta testified, for example, that claimant becomes distracted during hand-washing by her interest in eating the soap.

11. At school, claimant's teachers reported in January 2026 that she can follow the classroom routine, although she sometimes struggles to express herself clearly in words to her classmates. They reported no unusual discipline issues or behavior.

12. In contrast, Gupta testified credibly that claimant does not display "age-appropriate behaviors" in her social environment. Claimant is resistant to change or to transition between activities, and sometimes engages in age-inappropriate tantrums involving crying or throwing items. Claimant also does not understand how to interact positively with other children, and will persist in efforts to attract other children's attention even when they have expressed clearly that they do not want to interact with claimant.

13. At school, claimant's teachers describe claimant as eating and toileting independently, and as keeping her clothing and belongings orderly. Gupta states, however, that claimant needs assistance with personal hygiene, beyond the assistance most children her age need.

14. In written evaluations and in testimony, claimant's parent describes claimant's adaptive function in significantly worse terms than do claimant's teachers or Gupta. Claimant's parent characterizes claimant as unable to dress herself, to eat without support, or to toilet independently. Claimant's parent identifies similar challenges for claimant to those that claimant's teachers and Gupta identify; but in

light of the reports from claimant's teachers and from Gupta, claimant's parent overstates claimant's deficits.

15. Clinical psychologist Ivania Molina, Ph.D., testified regarding claimant's adaptive function, based on her review of the parent, ABA, and school reports. Dr. Molina gauges claimant's communication and learning abilities as within the normal range. Claimant's self-direction and self-care abilities are below normal, although not as significantly below normal as claimant's parent believes. Dr. Molina's professional opinion is persuasive.

LEGAL CONCLUSIONS

1. To qualify under the Lanterman Act for SARC's services, claimant must have a substantially disabling developmental disability. (Welf. & Inst. Code, § 4512, subd. (a)(1).) Claimant bears the evidentiary burden in this proceeding of demonstrating her eligibility.

2. Disabilities that qualify under the Lanterman Act as "developmental disabilities" include "intellectual disability, cerebral palsy, epilepsy, and autism." (Welf. & Inst. Code, § 4512, subd. (a)(1).) The Lanterman Act also covers persons with "disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability." (*Ibid.*) As summarized in Finding 5, the evidence establishes claimant's ASD.

3. A qualifying disability must be "substantial," meaning that it causes "major impairment of cognitive and/or social functioning" through "significant functional limitations, as determined by the regional center, in three or more of the following areas of major life activity, as appropriate to the person's age: (A) Receptive

and expressive language; (B) Learning; (C) Self-care; (D) Mobility; (E) Self-direction; (F) Capacity for independent living; (G) Economic self-sufficiency.” (Cal. Code Regs., tit. 17, § 54001, subd. (a); see also Welf. & Inst. Code, § 4512, subds. (a)(1), (j)(1).) For a child claimant’s age, the last two criteria are inappropriate.

4. The matters summarized in Finding 6 establish no deficits for claimant in mobility. The matters summarized in Findings 7 through 9 and 15 establish no deficits for claimant in learning or communication.

5. The matters summarized in Findings 6 and 10 through 15 establish some deficits for claimant in self-direction and self-care. These deficits do not constitute major impairments, however. For this reason, claimant does not satisfy the Lanterman Act’s eligibility criteria for SARC services.

ORDER

Claimant’s appeal is denied.

DATE:

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request reconsideration pursuant to subdivision (b) of Welfare and

Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.