

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

**In the Matter of:**

**CLAIMANT**

**and**

**ALTA CALIFORNIA REGIONAL CENTER, Service Agency**

**DDS No. CS0025733**

**OAH No. 2025040507**

**DECISION**

Administrative Law Judge Marcie Larson, Office of Administrative Hearings, State of California, heard this matter by videoconference on May 22, 2025, from Sacramento, California.

Alta California Regional Center (ACRC) was represented by Robin M. Black, Legal Services Manager for ACRC.

Claimant was represented by her father. Claimant was not present.

Evidence was received, the record closed, and the matter submitted for decision on May 22, 2025.

## **ISSUE**

Is ACRC required to reimburse claimant's parents for daycare costs incurred between February 2024 and January 2025?

## **FACTUAL FINDINGS**

### **Jurisdictional Matters and Background**

1. Claimant is an 11-year-old girl who receives ACRC services based on her qualifying disability of autism spectrum disorder. She became eligible for Tri Counties Regional Center services in early 2019, while living in Southern California. Claimant's family moved to Sacramento, California in July 2023, and she became a client of ACRC. Claimant lives with her parents and younger sister.

### **INITIAL REQUEST FOR ASSISTANCE WITH CHILDCARE**

2. On or about February 15, 2024, claimant's mother asked Kensleigh Dumlao, claimant's ACRC Service Coordinator, for information about obtaining "babysitting" for claimant. Claimant's mother testified at hearing that she started a new job in February 2024, so claimant needed before and after school care. Ms. Dumlao testified at hearing she referred claimant's mother to "Child Action," a subsidized childcare agency. Ms. Dumlao explained to claimant's mother that she needed to first exhaust generic resources before ACRC could potentially assist with funding daycare services.

3. In approximately March 2024, claimant's parents requested ACRC reimburse them for the cost of "social recreation" services provided by a company

called "Kids, Inc." Ms. Dumlao requested information about the frequency, duration, and cost of the program, so that she could complete a social recreation checklist and determine if the program qualified. Upon obtaining additional information, Ms. Dumlao determined that Kids, Inc. was daycare, and that before ACRC could fund the cost of daycare, claimant's family needed to first exhaust the available generic resources, including In-Home Supportive Services (IHSS) and Child Action.

4. On or about April 5, 2024, claimant's parents provided ACRC with a letter from Child Action denying their request for subsidized daycare support. Ms. Dumlao reminded claimant's parents that they needed to exhaust IHSS and provided them with a flow chart about how to apply for IHSS.

5. On July 16, 2024, Ms. Dumlao had a telephone call with claimant's parents regarding difficulties they had applying for IHSS. Ms. Dumlao offered to assist claimant's parents with the IHSS application. By September 2024, claimant's parents were still attempting to get the IHSS application submitted.

## **2024 INDIVIDUAL PROGRAM PLAN AND DAYCARE FUNDING APPROVAL**

6. On October 28, 2024, claimant's mother and Ms. Dumlao held an Individual Program Plan (IPP) meeting. Claimant was not present. Claimant's mother reported she was still in the process of obtaining IHSS for claimant. Included in the IPP was the agreement that Ms. Dumlao would request ACRC funding "for up to a maximum of specified hours/month of daycare (If Client is < 22 years old) in accordance with ACRC Service and Support Policy."

7. By January 16, 2025, claimant's mother informed Ms. Dumlao IHSS was denied and thereafter provided the written notification that IHSS was denied. As a result, claimant's parents asked ACRC to fund the daycare costs. Ms. Dumlao asked

claimant's mother for information to process their request for ACRC daycare assistance including work schedules, tax forms, claimant's school schedule, and a letter from Kids, Inc. confirming claimant's hours of care.

8. On January 28, 2025, claimant's father contacted ACRC and stated he had not heard back from Ms. Dumlao about the status of the daycare funding request. Claimant's father testified at hearing that he asked Ms. Dumlao to expedite the approval because his family had waited for a year to get ACRC to fund claimant's daycare.

9. On January 30, 2025, Ms. Dumlao spoke with claimant's father and provided an update regarding the status of the request for daycare funding. Ms. Dumlao apologized for the delay and shared with claimant's father that she was working on the daycare packet and reviewing the submitted information. Ms. Dumlao explained that she would be finishing her review the following day and would provide an update.

The following day, Ms. Dumlao informed claimant's parents that ACRC needed "actual employment schedules" for both parents and current rates for Kids, Inc. for 2025. Ms. Dumlao explained that once that information was received, she would insert the "numbers into the calculation chart and schedule a meeting with the committee." By February 18, 2025, ACRC received claimant's parents' work schedules and the current rates from Kids, Inc., which showed the daycare charge for claimant was \$215 per week.

10. On February 26, 2025, claimant's planning team held a telephone meeting with Ms. Dumlao, Client Services Manager Amy Silva, and claimant's father. During the meeting, the participants discussed the next steps for the daycare packet

request. Ms. Silva testified at hearing regarding the information provided to claimant's father. Ms. Silva explained to claimant's father that she and Ms. Dumlao would process "[claimant's] daycare packet from [that] day moving forward" until claimant exited the program from Kids, Inc. Claimant's father asked about "potential backpay" for the daycare cost already paid, because the family was experiencing financial hardship. Ms. Silva and Ms. Dumlao explained that the planning team would have a decision by February 27, 2025.

11. Thereafter, ACRC's planning team met, approved the daycare request, and determined ACRC would begin reimbursing the parents the amount of \$142.61 per week towards the cost of daycare services for claimant beginning February 1, 2025. This is the maximum amount ACRC can pay towards claimant's daycare, based on the Department of Social Services "Reimbursement Ceiling for Subsidized Childcare" rates.

Ms. Silva and Ms. Dumlao explained at hearing that ACRC denied claimant's request for retroactive reimbursement for the cost of claimant's daycare from February 2024 until January 31, 2025, in part, because claimant's parents did not exhaust the generic resources of IHSS and Child Action until January 25, 2025. Additionally, the request for daycare funding was not brought to the IPP planning team until the October 2024 IPP meeting.

12. Ms. Silva and Ms. Dumlao explained that claimant's parents were told that they could submit income tax information demonstrating financial hardship to support an increase of the daycare funding. However, claimant's parents did not provide the information, so no additional funding was approved.

## Notice of Action and Appeal

13. On March 7, 2025, Ms. Dumlao prepared a Notice of Action (NOA), denying claimant's parents' request for reimbursement for costs paid for daycare services for claimant from February 2024 through January 2025. The following reasons were stated for the denial:

The decision [to] place [claimant] at [sic] in a licensed daycare setting was made unilaterally, outside the planning team process and without ACRC approval. As such, the planning team did not have the opportunity to determine whether there was an assessed need for daycare assistance, whether there were any more appropriate or less costly vendored service providers, or whether the need, if any, could be met through generic or other resources. ACRC cannot reimburse client/families for services not agreed upon in advance by the planning team and authorized by ACRC. ACRC has agreed to reimburse you for a part of the cost of day care services [claimant] received AFTER January 2025, based upon the planning team's assessment of need and exhaustion of generic resources which was not completed until recently.

14. On April 2, 2025, claimant's parents appealed the NOA. The stated reason for the appeal is that ACRC denied "reimbursement for childcare that we have paid for over a year now when they stated that they would pay for [claimant's] childcare which hasn't happened yet."

15. Ms. Dumlao explained that claimant's parents have submitted the required paperwork to obtain ACRC agreed funding for a portion of the cost of claimant's daycare.

### **Claimant's Additional Evidence**

16. Claimant's mother and father testified at hearing. Claimant's mother explained that trying to obtain IHSS services was a "hassle." She spent many hours on the telephone asking for information about the IHSS process. Claimant's mother confirmed that she submitted the IHSS denial to ACRC in January 2025. Thereafter, ACRC agreed to fund a portion of claimant's daycare. Claimant's mother also confirmed that on or about May 16, 2025, she submitted the paperwork to obtain ACRC funding.

17. Claimant's father expressed frustration with the time it took for ACRC to approve claimant's daycare funding. Claimant's father believes there was a breakdown in communication with ACRC that resulted in delays. However, communication has improved since he became involved in the process. Claimant's father explained that paying the full cost of claimant's daycare has been a financial strain on his family. Reimbursement of the daycare costs paid from February 2024 until January 2025 would help address some of the financial strain.

### **Analysis**

18. Claimant has the burden of proving that ACRC is required to reimburse her parents for daycare costs incurred between February 2024 and January 2025. Claimant must establish that the request for daycare funding was included in claimant's IPP process and that they exhausted all generic resources before obtaining ACRC funding.

19. The evidence established that claimant's parents made the decision to place claimant in daycare outside of the ACRC planning team process and without obtaining prior approval from ACRC. It was not until the October 2024 IPP process that claimant's need for daycare funding was added to her IPP. At that time, claimant's parents were in the process of exhausting generic resources including Child Action and IHSS. It was not until January 25, 2025, that all generic resources were exhausted. Thereafter, ACRC agreed to fund over half of claimant's weekly daycare costs.

20. Although claimant's parents are clearly frustrated with the time it took to obtain funding approval, the Lanterman Act requires ACRC to ensure certain requirements are met before funding certain services. Those requirements were not met until the end of January 2025. As a result, claimant did not establish that the Lanterman Act requires ACRC to reimburse them for daycare costs incurred between February 2024 and January 2025. Therefore, the appeal must be denied.

## **LEGAL CONCLUSIONS**

1. The Lanterman Act governs this case. (Welf. & Inst. Code, section 4500 et seq.) Under the Lanterman Act, regional centers fund services and supports for persons with developmental disabilities.

### **Burden and Standard of Proof**

2. An administrative "fair hearing" to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code sections 4700–4716.) The burden of proof is on the party seeking government benefits or services. (*Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) Claimant has the burden of proving, by a preponderance of the evidence, that ACRC is



required to reimburse claimant's parents for daycare costs incurred between February 2024 and January 2025. (Evid. Code, § 115.)

## **Applicable Law**

3. The Department of Developmental Services (Department) is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) To comply with its statutory mandate, the Department contracts with private, nonprofit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4647, subdivision (a), provides:

Pursuant to Section 4640.7, service coordination shall include those activities necessary to implement an individual program plan, including, but not limited to, participation in the individual program plan process; assurance that the planning team considers all appropriate options for meeting each individual program plan objective; securing, through purchasing or by obtaining from generic agencies or other resources, services and supports specified in the person's individual program plan; coordination of service and support programs; collection and dissemination of information; and monitoring implementation of the plan to ascertain that objectives have been fulfilled and to assist in revising the plan as necessary.

5. Welfare and Institutions Code section 4659 provides in relevant part:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

[¶] ... [¶]

(c) Effective July 1, 2009, notwithstanding any other law or regulation, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage.

6. Welfare and Institutions Code section 4646 provides in relevant part:

(a) 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, if 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 individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, if 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.

[¶] ... [¶]

(d) Individual program plans 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 individual program plan 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, if appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

7. Welfare and Institutions Code section 4646.5, subdivision (a)(1), provides:

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

(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. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, the consumer's parents and other family members, the consumer's friends, advocates, authorized representative, if applicable, providers of services and supports, and other agencies. The assessment

process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family.

## **Disposition**

8. Claimant failed to establish by a preponderance of the evidence that ACRC is required to reimburse claimant's parents for daycare costs incurred between February 2024 and January 2025. The Lanterman Act requires ACRC to ensure certain requirements are met before funding certain services, including obtaining planning team approval and exhausting generic resources. Those requirements were not met until the end of January 2025. Therefore, claimant's appeal must be denied.

## **ORDER**

Claimant's appeal is DENIED.

DATE: May 28, 2025

MARCIE LARSON

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 a reconsideration under Welfare and Institutions Code

section 4713, subdivision (b), 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.