

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Consolidated Matters of:

CLAIMANT,

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency.

DDS Nos. CS0025945 and CS0029044

**OAH Nos. 2025041037 (Primary) and 2025080431
(Secondary)**

PROPOSED DECISION

Sandy Yu, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard these consolidated matters on December 5, 2025, in Los Angeles, California.

Claimant was represented by his mother (Mother) and father (Father). The names of Claimant and his family members are omitted to protect their privacy and maintain the confidentiality of this proceeding.

Tami Summerville, Fair Hearings and Governmental Affairs Manager, represented South Central Los Angeles Regional Center (SCLARC).

The ALJ received testimony and documentary evidence. The record closed and the matters were submitted for decision at the conclusion of the hearing.

An order dated October 11, 2025 consolidated these two matters for hearing and decision. Because these matters concern the same claimant, this single proposed decision is being issued for both matters.

ISSUE

1. Shall SCLARC reimburse the conference fees of Claimant and one of his parents for the Association for X and Y Chromosome Variations (AXYS) Community Conference, from July 25 through July 27, 2025, in Atlanta, Georgia, in the total amount of \$645?

2. Shall SCLARC reimburse the roundtrip airfares of Claimant and one of his parents from Los Angeles to Atlanta for the AXYS Community Conference, in the total amount of \$703.94?

EVIDENCE RELIED UPON

Exhibits: SCLARC Exhibits 2 through 4; and Claimant's Exhibits B through D.
Testimony: Mayra Munguia; Gail Decker; Mother; and Father.

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FACTUAL FINDINGS

Background

1. SCLARC is a regional center designated by the Department of Developmental Services (Department) to provide funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.)

2. Claimant is a 10-year-old child who receives Lanterman Act services and supports from SCLARC based on a qualifying diagnosis of autism spectrum disorder (autism). Claimant has also been diagnosed with attention-deficit hyperactivity disorder, borderline intellectual functioning, and XYY syndrome, a rare chromosomal condition. He lives within SCLARC's service catchment area with his parents and younger siblings.

3. On February 21, 2025, Claimant and his parents participated in a meeting with SCLARC Team Leader Irene Gutierrez to develop his IPP (February 2025 IPP). During the February 2025 IPP meeting, Mother and Father discussed their short-term and long-term visions for Claimant; one of their long-term visions is to "able to socialize with other individuals his age with XYY[Y] [s]ndrome. This will assist [Claimant] to be able to understand and learn about his diagnoses with other children his age." (Exh. 2, p. A37.)

4. On February 25, 2025, Claimant requested funding for the following services: (1) conference fees in the total amount of \$645 for himself and one of his parents to attend the 2025 AXYS Community Conference; and (2) two roundtrip

airfares from Los Angeles to Atlanta in the total amount of \$703.94 for himself and one parent.

5. On March 7, 2025, SCLARC denied Claimant's request for conference fee funding. The stated reasons for the denial were that the 2025 AXYS Community Conference is outside SCLARC's catchment area, and generic resources are available. SCLARC offered to provide funding instead for one virtual conference ticket in the amount of \$100, and identified two alleged generic resources: (1) Living with XXY Non-profit, an organization that provides information and support to individuals affected by another chromosomal condition, XXY syndrome, otherwise known as Klinefelter syndrome; and (2) Klinefelter Clinics. The denial did not mention Claimant's related request for airfare funding.

6. On April 10, 2025, Mother filed a fair hearing appeal challenging SCLARC's denial of funding for Claimant and his parent for attendance at the conference. Mother contended that SCLARC failed to follow the proper procedures for requesting out-of-state conference funding.

7. On May 16, 2025, Claimant and his parents participated in a meeting with SCLARC Service Coordinator Joanna, Ochoa to discuss his IPP (May 2025 IPP). Claimant's parents again expressed their interest in having Claimant attend the 2025 AXYS Community Conference because the conference would provide Claimant with "valuable opportunities to understand his diagnosis better, interact with other children his age, and gain insights into XXY community, including potential treatments and ongoing research." (Exh. 2, A30.) The May 2025 IPP noted that at the time, SCLARC was engaged in the fair hearing process regarding the denial of funding for conference fees, and SCLARC was preparing a notice of action regarding the denial of funding for two roundtrip airfares.

8. On June 24, 2025, SCLARC denied Claimant's request for funding for two roundtrip airfares. The stated reasons for the denial were that the requested support is not directly related to the goals outlined in the IPP, and the airfares were not services and supports in natural community, home, work, and recreational settings. Furthermore, SCLARC explained that this request is considered typical parent responsibility. SCLARC again offered to provide funding for one virtual conference ticket so Claimant could attend the conference online. In addition, SCLARC identified other opportunities for information and socialization, including resources from AXYS, Living with XXY, and UCLA Medical Center.

9. In July 2025, Claimant and his family attended the conference and paid the conference fees and airfares from other sources. On August 4, 2025. Mother submitted another fair hearing appeal with respect to the denial of roundtrip airfares, contending that transportation requests may be considered on a case-by-case basis, which SCLARC allegedly did not do.

Hearing

SCLARC's CASE

Mayra Munguia

10. Ms. Munguia, SCLARC's Program Manager who oversees service coordinators, testified that SCLARC typically does not fund consumers to attend conferences outside of California.

11. Ms. Munguia also testified that the requests at issue were denied for the following four reasons. First, the requested services are not directly connected to Claimant's qualifying diagnosis of autism. Second, the requested services are not cost-

effective because generic resources are available, such as resources listed on the AXYS website. Third, SCLARC's Purchase of Service funding standards require all generic resources to be explored and exhausted prior to requesting SCLARC funding, and limit conference funding to \$200 per person. Fourth, SCLARC typically does not fund airfares because there are other direct services that can help with socialization and that are cost-effective, such as social recreation programs and personal assistance. Furthermore, the requested services for airfares are not included in Claimant's IPP.

12. Ms. Munguia testified that SCLARC's leadership and funding committee thoroughly reviewed Claimant's requests. After that review, SCLARC offered to pay Claimant's virtual conference fee, but Claimant declined that offer.

CLAIMANT'S CASE

Mother

13. Mother testified that Claimant is seeking reimbursement for an early bird adult conference fee in the amount of \$395, an early bird child conference fee in the amount of \$250, and the cost of two roundtrip airfares for Claimant and one of his parents in the amount of \$351.97 per person. According to Mother, Claimant and his entire family, including Mother, Father, and his two younger siblings, attended the 2025 AXYS Community Conference, but Claimant is only requesting reimbursement for himself and one parent.

14. Mother testified that after Claimant was diagnosed with XXYY in April 2017, she could not find any resources locally, but was able to find resources and support through AXYS and its XXYY Project, which provides direct services for XXYY families. According to Mother, she and her family attended the in-person AXYS Community Conferences in 2017, 2019, and 2025, and she attended the virtual AXYS

Community Conferences in 2021 and 2023. Mother testified that she found the AXYS conferences helpful for providing information from experts through sessions and poster presentations, as well as opportunities to speak with the experts and other families who have children with AXYS. Mother also testified that Claimant benefitted from his attendance at the conference because there were opportunities for Claimant to socialize with other children with AXYS and to participate in the Chromodiversity Camp on July 26, 2025. The Chromodiversity Camp offered activities for adolescents with X and Y variations and their siblings. Mother provided photos from the 2017, 2019, and 2025 AXYS Community Conferences.

15. Mother testified that because many children with AXYS have developmental disabilities, such as autism, the 2025 AXYS Community Conference had sessions that addressed the intersections between AXYS and other comorbidities, such as "X/Y Chromosome Variations and Autism: Insights From Large Scale Population Research." (Exh. C, p. B21.)

16. Mother contended that she has not found any other comparable resources in SCLARC's catchment area and in California. Mother testified that one of the financial assistance resources listed on the conference website is the State Councils on Development Disabilities, such as the Department and SCLARC.

17. Mother also contended that the virtual conference fee offer from SCLARC was not a comparable option to in-person attendance. Mother testified that a virtual attendee can attend only a limited number of recorded sessions and does not have the opportunity to meet other families and speak with expert speakers.

18. Mother contended that SCLARC did not follow the required procedure for obtaining Department approval for purchase of out-of-state services as outlined

under Welfare and Institutions Code section 4519, subdivision (a). According to Mother, SCLARC did not conduct a comprehensive assessment of the need for the out-of-state services, nor did SCLARC ask the Department's Director to approve Claimant's requests. In support of Mother's contentions, Mother presented several OAH decisions involving out-of-state services, such as residential placements, and funding for in-state conference fees. These past OAH decisions are not precedential, but they show that funding for out-of-state services has been approved in certain circumstances.

Father

19. Father testified regarding the benefits he received from attending the conference. Father explained that through the conference, he met healthcare professionals and had the opportunity to consult with them regarding the right medication and strategies for Claimant. Father testified that he does not know of any comparable conferences in California.

Gail Decker

20. Gail Decker, the Vice Chair of the AXYS Board of Directors, testified she first met Claimant and his family in 2017. AXYS organizes a biannual conference, where experts from different disciplines share information to conference attendees.

21. Ms. Decker testified that in-person attendees had the opportunity to attend all of the sessions and poster presentations, speak with expert speakers, and meet with families with XXYY. Ms. Decker explained that virtual attendees did not have access to all conference sessions because the organizers could only record a few of the sessions.

22. Ms. Decker shared that her son, who also has XXYY, has benefited from attending the AXYS conferences. Ms. Decker testified that when his son attends the conference, he feels comfortable because he is among others like him. The conference is beneficial not only for the individuals with XXYY, but also for families to learn and socialize with one another.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The party seeking government benefits or services bears the burden of proof. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) In this case, Claimant is seeking reimbursement for conference fees and roundtrip airfares that SCLARC has not previously agreed to provide, and thus, he bears the burden of proof that he is entitled to the requested service funding. As no other statute or law specifically applies to the Lanterman Act, the standard of proof in this case is a preponderance of the evidence. (Evid. Code, § 115.) The term preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

Applicable Law

2. Disputes about the rights of disabled persons to receive services and supports under the Lanterman Act are decided under the fair hearing and appeal procedures in the Lanterman Act. (Welf. & Inst. Code, § 4706, subd. (a).) "Services and supports for persons with developmental disabilities" means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or

economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of an independent, productive, and normal life.” (Welf. & Inst. Code, § 4512, subd. (b).) The fundable services and supports that pertinent to this case include, but are not limited to, . . . training, education, . . . information and referral services, . . . advocacy assistance, including self-advocacy training, facilitation and peer advocates, . . . community integration services, community support, . . . [and] transportation services necessary to ensure the delivery of services to persons with developmental disabilities” (*Ibid.*) The determination of Claimant’s services and supports “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.” (*Ibid.*)

3. With respect to out-of-state funding for services and supports, “the department shall not expend funds, and a regional center shall not expend funds allocated to it by the department, for the purchase of any service outside the state unless the Director of Developmental Services or the director’s designee has received, reviewed, and approved a plan for out-of-state service in the consumer’s individual program plan” (Welf. & Inst. Code, § 4519, subd. (a).) “Prior to submitting a request for out-of-state services, the regional center shall conduct a comprehensive assessment and convene an individual program plan meeting to determine the services and supports needed for the consumer to receive services in California and shall request assistance from the department’s statewide specialized resource service in identifying options to serve the consumer in California. The request shall include details regarding all options considered and an explanation of why these options cannot meet the consumer’s needs.” (Welf. & Inst. Code, § 4519, subd. (a).)

4. With respect to transportation services, the regional center shall purchase transportation services only when the service is included in the consumer's IPP, the provision of transportation service is not the responsibility of any public agency who receive funds for providing the transportation services; and the provision of transportation is not part of the consumer's community-based day program. (Cal. Code Regs., tit. 17, § 58510.)

5. In implementing services from the IPP, "regional center, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, if appropriate, the consumer's family." (Welf. & Inst. Code, § 4648, subd. (a)(2).)

6. At the same time, "[r]egional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services." (Welf. & Inst. Code, § 4648, subd. (a)(2).)

7. When purchasing services and supports, a regional center must conform to the purchase of service policies, utilize generic resources and other sources of funding, consider the family's responsibility, and consider information regarding the individual's need for service, barrier to access, and other information. (Welf. & Inst. Code, § 4646.4.)

Disposition

8. In this case, Claimant's requested conference fees and airfares are for out-of-state services. For out-of-state services, the Department's Director must receive, review, and approve a request for out-of-state services from a regional center before

funding such services. (Welf. & Inst. Code, § 4519.) Prior to submitting a request for out-of-state services, the regional center shall conduct a comprehensive assessment and convene an individual program plan meeting with regard to the services and supports that may be available to the consumer in California. (*Ibid.*)

9. The evidence established that SCLARC did not conduct a comprehensive assessment, nor did SCLARC ask the Department's Director to approve Claimant's out-of-state service purchases. Claimant's evidence about the benefits of the 2025 AXYS Community Conference and the lack of a comparable in-state resource warrants an order directing SCLARC to perform that comprehensive assessment and make a request for out-of-state services to the Department's Director as outlined under Welfare and Institutions Code section 4519, subdivision (a).

ORDER

Claimant's appeal is granted in part. SCLARC shall conduct a comprehensive assessment and submit to the Department a request for approval to fund the conference fees and airfares for Claimant and one of his parents. Upon receiving the request from SCLARC, the Department shall decide, in compliance with the Lanterman Act, as to whether to approve the funding request. The appeal is otherwise denied.

DATE:

SANDY YU

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Consolidated Matter of:

Claimant

OAH Case Nos. 2025041037 & 2025080431

Vs.

DECISION BY THE DIRECTOR

South Central Los Angeles Regional Center

Respondent.

ORDER OF DECISION

On December 15, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this consolidated matter. The Department of Developmental Services (Department) takes the following action on the attached Proposed Decision of the ALJ:

The Proposed Decision is adopted by the Department of Developmental Services as its Decision in this consolidated matter, except as follows:

- In the Proposed Decision, on page 12, paragraph 9, the ALJ states, "The evidence established that SCLARC did not conduct a comprehensive assessment, nor did SCLARC ask the Department's Director to approve Claimant's out-of-state service purchases." Under Welfare and Institutions Code Section 4519, subdivision (a), regional centers are required to provide a comprehensive assessment to determine whether there are comparable services in California to the requested out of state services and supports, but are not required to provide a request to the Department for approval to pay for out-of-state services if the regional center's comprehensive assessment determines that there are comparable services in California.

The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4712.5,

subdivision (a)(1), 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.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

ORDER

Claimant's appeal is granted in part. SCLARC shall conduct a comprehensive assessment and submit to the Department a request for approval to fund the conference fees and airfares for Claimant and one of his parents. Upon receiving the request from SCLARC, the Department shall decide, in compliance with the Lanterman Act, as to whether to approve the funding request. The appeal is otherwise denied.

IT IS SO ORDERED on this day January 7, 2026.

Original signed by

Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division (CARD)