

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

DDS No. CS0026230

OAH No. 2025041112

PROPOSED DECISION

Administrative Law Judge Carl D. Corbin, State of California, Office of Administrative Hearings (OAH), served as the hearing officer and heard this matter on June 11, 2025, by videoconference.

Claimant was represented by his conservator who is also his father. Claimant was not present.

Mary Dugan, Appeals Specialist, represented the Regional Center of the East Bay (RCEB), the service agency.

The record was held open to allow the parties to submit simultaneous written closing arguments and the opportunity to file a response. RCEB timely submitted a

closing argument, which was marked and admitted as Exhibit 9; and claimant timely submitted a closing argument, which was marked and admitted as Exhibit Y. Neither party filed a response. The record closed and the matter was submitted for decision on June 20, 2025.

ISSUE

Must RCEB allow claimant to access his Self-Determination Program (SDP) spending plan budget to reimburse him for travel, lodging, and registration costs for his participation, with a chaperone, at the Paralympic Grand Prix event in Cali, Colombia, in the total amount of \$3,918.62?

At the start of the hearing in this matter, the above issue was clarified and agreed to by the parties as the sole issue for hearing. Later in the hearing, claimant requested the hearing also address the issue of amending claimant's spending plan budget to annually allocate \$6,000 for participation in future not yet determined Paralympic events. RCEB opposed adding this additional issue as it had not had the opportunity to address the request through the Individual Program Plan (IPP) and SDP spending plan meeting process. Claimant's request to add this issue for hearing was denied on the record as not yet ripe. This does not preclude claimant from appealing any future denials by RCEB.

FACTUAL FINDINGS

1. Claimant is an adult who lives with his parents who are also his conservators. Claimant is eligible under the Lanterman Developmental Disabilities

Services Act (the Lanterman Act, Welf. & Inst. Code, § 4500 et seq.)¹ for services from RCEB because he is substantially disabled by intellectual disability.

2. The purpose of an IPP meeting is to use a person-centered approach to consider the needs and preferences of a regional center consumer and, as appropriate, their family, using an individualized needs determination to develop the provision of services and supports to assist the consumer to achieve their personal outcomes and life goals and promote inclusion in their community through a cost-effective use of public resources. (§ 4646.) The determination of which services and supports are necessary is made after analyzing the needs and preferences of the consumer, the range of service options available, the effectiveness of each option in meeting the goals of the IPP, and the cost of each option. (§§ 4646, 4646.5 & 4648.)

3. The SDP was added to the Lanterman Act to “provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP.” (§ 4685.8, subd. (a).) An IPP for an SDP participant is subject to the same requirements as for Lanterman Act consumers who do not participate in the SDP. (§ 4685.8, subd. (c)(4).) This includes ensuring that IPP teams consider cost-effectiveness when developing an SDP spending plan budget. (*Id.*, subd. (b)(2)(H)(1).)

¹ All statutory references are to the Welfare and Institutions Code, unless otherwise stated.

Just as for Lanterman Act consumers who do not participate in the SDP, the SDP consumer's IPP identifies the consumer's needs and goals, and describes services the regional center will provide or fund to meet those needs and goals. (§§ 4646, 4685.8.)

In the SDP, the consumer directs spending from an "individual budget," representing "the amount of regional center purchase of service funding available to the participant for the purchase of services and supports necessary to implement the IPP." (§ 4685.8, subd. (c)(3).) An SDP participant's initial annual individual budget is "the total amount of the most recently available 12 months of purchase of service expenditures," adjusted to reflect changes such as "prior needs or resources that were unaddressed." (*Id.*, subd. (m)(1).) The total budget may not exceed the amount that "would have been expended using regional center purchase of service funds regardless of the individual's participation in the" SDP. (*Id.*, subd. (m)(1)(B)(ii).)

The SDP consumer directs spending from this individual budget according to an approved "spending plan," which must "identify the cost of each good, service, and support that will be purchased with regional center funds." (§ 4685.8, subd. (c)(6).) All such goods, services, and supports must be "necessary to implement" the consumer's IPP. (*Id.*, subds. (c)(6), (d)(3)(C).)

4. On December 23, 2024, an IPP meeting was held for claimant. Claimant has elected to participate in the SDP. An IPP with person-centered objectives was developed and, on a date not established by the record, consent was provided on behalf of claimant to implement the IPP. Claimant's IPP includes four desired outcomes. Outcome Four is for claimant to:

continue to be physically active and productive within his
community by participating in unified sports and inclusive

sports-related activities that allow him to build relationships with others, develop social and emotional skills, and contribute to his overall healthy mental and physical health through 12/2025.

Outcome Four details funding allocations from his SDP spending plan budget, to include:

- community integration (service code 331) for his specialized running training and runner program;
- non-medical transportation (service code 338) for Uber or Lyft rides for community outings, new activities, appointments, school, or athletic and sports events; and
- community integration (service code 331) for services like health and fitness classes, personal fitness instructor, adaptive skiing, cross-country skiing, adaptive music lessons, and digital art.

5. On March 27, 2025, claimant, through his conservators, in a meeting with RCEB, requested RCEB fund travel and lodging for claimant and a chaperone to attend the Paralympic Grand Prix event in Cali, Colombia. The evidence established that the event occurred during the week of May 13 through May 20, 2025. Claimant qualifies for participation in Paralympic events under the category of T20 (intellectual impairment). The Grand Prix event in Cali, Colombia, was one of several international qualification events offered by World Para Athletics.

6. On April 7, 2025, RCEB Case Manager Rae Roberts issued claimant, through his conservators, a denial letter denying his request to fund the purchase of

travel to and lodging at the Paralympic Grand Prix event in Cali, Colombia. The explanation in the denial letter was:

RCEB funds cannot be used to fund travel and lodging expenses. Additionally, the remote services directive states that when the provider is located outside of California, the client must physically be in California in order to utilize remote services (SDP Remote Services Directive, WIC 4685.8).

Included with the denial letter was a Notice of Action, dated April 7, 2025, which contained the same reasoning as the denial letter.

7. On April 23, 2025, claimant, through his conservator, filed an appeal regarding RCEB's denial, and included a memorandum in support of his appeal.

8. On May 6, 2025, an informal meeting was held between representatives of RCEB and claimant's father (and conservator) to discuss claimant's appeal. During the meeting, claimant's father explained he would like to use claimant's SDP budget funds to "support [claimant's] international trip to the Paralympic Grand Prix in Cali, Colombia including airfare, hotel accommodations, transportation, and food for [claimant] and [claimant's father], as his chaperone."

9. On May 14, 2025, RCEB Case Management Supervisor Dominique Cyndecki issued a letter to claimant's father summarizing the May 6, 2025, informal meeting and denying claimant's funding request. RCEB's basis for denial was:

The [SDP], while flexible and participant-driven, follows the same foundational principles [sic] and regulations as

traditional regional center services, therefore requiring activities to be occurring [sic] in California. Since the Paralympic Grand Prix Event is occurring [sic] outside of California, the use of [SDP] funds would not be considered permissible [sic] (Lanterman Act Section 4512 (b). Additionally the Lanterman Act (Section 4501) is not intended to fund travel, lodging, or meals. This is because services and supports must address the developmental disability and travel is an expense that all individuals pay for privately regardless of disability.

10. It is undisputed that claimant benefited from participation in the Paralympic Grand Prix event in Cali, Colombia, and that his participation in the event advances his IPP Outcome Four of being physically active and productive. RCEB's position is that it is legally precluded from funding claimant's request because the request does not meet the definition of "services and supports" under the Lanterman Act; the Lanterman Act is not intended to fund travel, lodging, or meals; and a Department of Developmental Services (Department) written directive requires claimant to be present in California to receive remote services from a provider outside California. In addition, RCEB's position is that, even if legally permissible, claimant's request is not cost-effective and can be met with alternative services located within his local community.

11. Jenifer Castañeda, RCEB SDP Supervisor, and Roberts testified at hearing in support of RCEB's position. The testimony of Castañeda and Roberts and the documentary evidence submitted by RCEB, that it is legally precluded from funding claimant's request on the basis it includes travel, lodging, and meals, was not

persuasive. Moreover, claimant offered a prior OAH decision as persuasive authority (not binding precedent) that ordered a regional center to pay “travel and per diem costs” which appears directly contradictory to RCEB’s position in this matter. However, the evidence, including the testimony of Castañeda and Roberts, was persuasive that claimant’s request was not cost-effective. There are less expensive and more cost-effective alternatives to allow claimant to meet his IPP goals, particularly those services already detailed in Outcome Four, than a one-week international travel trip.

Claimant’s Additional Evidence

12. Claimant’s father testified in a sincere manner and his concern for claimant was evident. The evidence established costs and payment for the airline travel and registration, food, and lodging for the Paralympic Grand Prix event in Cali, Colombia, for claimant and his father totaled \$3,918.62. In addition, the evidence established the registration, food, and lodging were in a bundled rate that could not be disaggregated.

13. Claimant’s father testified without dispute that claimant’s participation at the Paralympic Grand Prix event in Cali, Colombia, was related to and advanced claimant’s IPP Outcome Four. Claimant unpersuasively argued that the costs for the Paralympic Grand Prix event in Cali, Colombia, were reasonable and cost-effective because other Grand Prix events would be even more expensive.

14. Claimant provided a total of three letters in support of his funding request from a Paralympic coach who has coached claimant for three years; from a high school running coach who has coached claimant for two years; and from an aide who has tutored and worked with claimant for approximately 15 years. All three letter writers wrote in positive terms about the benefits claimant receives from his

participation in Paralympics. However, none of the letter writers demonstrated knowledge of and the legal requirements associated with the Lanterman Act.

Ultimate Factual Findings

15. Claimant failed to prove that his request was cost-effective as required by the Lanterman Act. While it is undisputed that claimant benefitted from his Paralympic Grand Prix event in Cali, Colombia, a week-long international trip is not cost-effective to meet claimant's IPP goals, particularly Outcome Four which discusses claimant continuing to be physically active and productive within his community. Claimant's IPP lists examples of other alternative service activities (which are currently funded through his SDP spending plan budget) under Outcome Four that are more cost-effective in accordance with the Lanterman Act and increase his involvement in his local community.

LEGAL CONCLUSIONS

1. The Lanterman Act entitles claimant to an administrative fair hearing to review a service agency's service decisions. (§ 4710 et seq.) Claimant bears the burden of proof in this matter and the standard of proof required is a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

2. Through the Lanterman Act, the State of California has accepted responsibility for persons with developmental disabilities. The Lanterman Act mandates that "[a]n array of services and supports should be established . . . to meet the needs and choices of each person with developmental disabilities . . . and to support their integration into the mainstream life of the community." (§ 4501.) The purpose of the Lanterman Act is twofold: (1) to prevent or minimize the

institutionalization of persons with developmental disabilities and their dislocation from family and community, and (2) to enable persons with developmental disabilities to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives. (§§ 4501, 4685; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. The Department is the state agency responsible for implementing the Lanterman Act. It contracts with regional centers that are charged with the responsibility of providing developmentally disabled individuals with access to services and supports best suited for them. (§ 4620, subd. (a).)

4. As set forth in Factual Findings 2 and 3, the Lanterman Act requires service agencies such as RCEB to consider cost-effectiveness in the development of an IPP and SDP spending plan budget. As set forth in Factual Finding 15, claimant failed to prove that his request, to access his SDP spending plan budget to reimburse him for travel, lodging, and registration costs for his participation, with a chaperone, at the Paralympic Grand Prix event in Cali, Colombia, was cost-effective as required by the Lanterman Act.

ORDER

Claimant's appeal is denied.

DATE:

CARL D. CORBIN

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025041112

Vs.

DECISION BY THE DIRECTOR

Regional Center of East Bay,

Respondent.

ORDER OF DECISION

On June 25, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this 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 as its Decision in this matter. The Director also makes the following additional findings of fact and of law:

Section 1396, subdivision (a)(80), of Title 42 of the United States Code prohibits a State plan for medical assistance from providing any payments for items or services provided under the State plan, or under a waiver, to any financial institution or entity located outside of the United States. Claimant's evidence indicates he paid the money for registration (including hotel costs) to the "Federacion Colombiana De Para Atletismo," located in Medellin, Colombia. Because the entity is located outside the United States, RCEB is precluded as a matter of law from funding the request.

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 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.

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

IT IS SO ORDERED on this day July 22, 2025

Original signed by:
PETE CERVINKA
Director