

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

**In the Matter of:**

**CLAIMANT**

**and**

**SAN DIEGO REGIONAL CENTER, Service Agency**

**DDS No. CS0026827**

**OAH No. 2025050578**

**PROPOSED DECISION**

Traci C. Belmore, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 25, 2025, by videoconference.

Carine Jeronne, claimant's authorized representative, represented claimant who was not present at hearing.

Appeals and Resolution Manager Erik Peterson represented San Diego Regional Center, the service agency.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on June 25, 2025.

## **ISSUE**

Did San Diego Regional Center (SDRC) improperly deny adding EDS Every Day (EDS), a social and emotional skills application, and Do It Yourself (DIY) kits to the initial budget calculation for claimant's Self Determination Program (SDP) enrollment?

## **FACTUAL FINDINGS**

### **Background**

1. Claimant is a seven-year-old male, who is eligible for regional center services due to diagnoses of autism spectrum disorder (ASD) and intellectual disability. Claimant participates in the home and community-based services (HCBS) waiver program. Claimant receives 164 hours of In-Home Supportive Services (IHSS) provided by his mother. Claimant is transitioning to the SDP.

2. Claimant is receiving Applied Behavioral Analysis (ABA) services which are currently funded through his health insurance.

3. Claimant's mother searched for something to aid claimant in his ABA program specifically to promote his socialization and executive functioning skills. Claimant's mother found EDS and the DIY kits.

4. On March 11, 2025, SDRC received a request for EDS and the DIY kits to be included in claimant's initial budget.

5. On a date not established in the record, Carine Jeronne, claimant's independent facilitator (IF), requested a notice of action (NOA) be generated for the denial of the addition of funding for the EDS and DIY kits to claimant's SDP budget.

6. In a letter dated April 8, 2025, SDRC sent claimant a NOA denying the addition of EDS and the DIY kits to the initial individual budget calculation for claimant's SDP enrollment. The letter stated the reasons for the denial were that the items "fall outside the scope of services typically funded by the regional center under the traditional service model." Additionally, the items were reported to be intended to support ABA therapy. "ABA therapy agencies are responsible for providing necessary materials for sessions." Finally, the letter stated that claimant should utilize services and supports in the SDP "only when generic services and supports are not available."

7. On May 22, 2025, an informal meeting was held. At the meeting claimant's mother stated that claimant's current ABA provider was not providing materials necessary for claimant's ABA therapy sessions. Claimant's mother was given a list of ABA providers that might be more suitable for claimant.

8. On a date not established by the record, SDRC affirmed its decision to deny funding in claimant's initial SDP budget for EDS and the DIY kits.

9. Claimant timely filed an appeal, and this hearing ensued.

## **SDRC's Evidence**

10. Briana Barajas-Rivera is a program manager with SDRC. She has been with SDRC for approximately seven years and began her employment with SDRC as a service coordinator. Barajas-Rivera has a bachelor's degree in psychology, and a master's degree in social work. Barajas-Rivera testified that the EDS and DIY kits are the types of materials that are the responsibility of either the ABA provider or the parent. She stated that anything that is to be included in the SDP budget must be something that SDRC would have funded through the traditional model. Barajas-Rivera

testified that similar items could be found for less expensive amounts than the ones requested by claimant.

11. David Webb-Rex is a program manager for SDP with IRC. He has been employed by IRC for approximately five years, beginning as a participant choice specialist in SDP and later being promoted to program manager. Webb-Rex testified that nothing could be added to an SDP budget that would not have been funded through the traditional model. He further stated that he did not know of any occasion that materials recommended as part of ABA therapy were covered in an SDP budget. Webb-Rex believed that payment for those materials was the responsibility of either the ABA provider or the claimant's parents.

12. Katherine Sorenson is the ASD services coordinator for IRC. She has a bachelor's degree in psychology and a master's degree in behavioral analysis. Sorenson has been board certified for behavioral analysis for five years. Prior to her employment with IRC, she was an ABA therapy provider. Sorenson testified that it is not typical for an ABA provider to recommend services or materials for ABA therapy to be purchased by the parents. She believes that ABA providers are responsible for paying for behavioral analytic materials that are needed for sessions. Sorenson stated that the DIY kits appear to be toys and would be the responsibility of the parents, as they are items that any parent could purchase for their child.

### **Claimant's Evidence**

13. Claimant's mother testified on behalf of claimant. Her testimony is summarized as follows. She looked for something online to help claimant with his ABA therapy. She found EDS and the DIY kits. She mentioned them in a meeting with claimant's teacher and claimant's ABA provider. She believed that meeting was an

individualized education program (IEP) meeting. Both claimant's teacher and the ABA provider said that EDS and the DIY kits would be helpful for claimant. No ABA provider would provide these materials. They are not required for claimant to continue with ABA services.

## **LEGAL CONCLUSIONS**

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. The Lanterman Act is found in Welfare and Institutions Code<sup>1</sup> section 4500 et seq. The purpose of the Lanterman Act is to rectify the problem of inadequate treatment and services for the developmentally disabled and to enable developmentally disabled individuals to lead independent and productive lives in the least restrictive setting possible. (§§ 4501, 4502; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.)

2. Regional centers are charged with the responsibility of carrying out the state's responsibilities to the developmentally disabled under the Lanterman Act. (§ 4620, subd. (a).) The Lanterman Act provides that an "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.)

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

3. Section 4646.4, subdivision (a), requires regional centers to establish an internal process to ensure compliance with federal and state laws and regulations when purchasing services and supports. It also requires regional centers to consider generic resources and the family's responsibilities for providing services and supports when considering purchasing services and supports for consumers.

4. Section 4648 requires regional centers to ensure that services and supports enable consumers to achieve the greatest self-sufficiency possible and to secure services and supports that meet the needs of the consumer, in conformity with the consumer's Individual Program Plan (IPP). This section also requires fiscal responsibility from regional centers.

5. Section 4685.8, subdivision (a), establishes the SDP and requires it be available in every regional center catchment area and provide participants and their families with "an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP. . . ."

6. Section 4685.8, subdivision (c)(7), defines the spending plan as the plan the participant develops using their budget funds to "purchase goods, services, and supports necessary" to implement their IPP.

7. Section 4685.8, subdivision (d)(3)(C), requires that the participant only purchases services and supports that are necessary to implement their IPP.

8. Section 4685.8, subdivision (r)(6), requires that the regional center verify that the goods and services are eligible for federal reimbursement, and that they are not used to pay for goods or services available through generic agencies.

## **Discussion**

9. Claimant failed to prove by a preponderance of the evidence that the EDS and DIY kits could not be funded through generic resources. SDRC established that similar items could be purchased less expensively. Claimant failed to establish that including these items in his initial individual budget would be the most cost-effective use of funds as required by section 4648.

## **ORDER**

Claimant's appeal of SDRC's proposed action denying the inclusion of funding for EDS and DIY kits in claimant's initial individual budget calculation for his SDP enrollment is denied.

DATE: July 2, 2025

Traci C. Belmore  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025050578

Vs.

**DECISION BY THE DIRECTOR**

San Diego Regional Center,

Respondent.

ORDER OF DECISION

On July 2, 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 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 29, 2025.

Original Signed By:  
PETE CERVINKA  
Director