

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

In the Matter of:

CLAIMANT

and

CENTRAL VALLEY REGIONAL CENTER, Service Agency

DDS No. CS0026832

OAH No. 2025050695

PROPOSED DECISION

Wim van Rooyen, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, acting as a hearing officer, heard this matter on September 11, 2025, in Visalia, California.

Claimant appeared, assisted by his mother (Mother), who is also his authorized representative. Claimant's father (Father) was also present.

Jacqueline Molinet, Fair Hearings and Appeals Manager, represented the Central Valley Regional Center (CVRC).

Giselle Franco, a certified Spanish interpreter, was present via telephone throughout the fair hearing. Claimant and Mother indicated that they were fluent in

English and did not require Spanish interpretation. Father indicated that he could understand English and did not require Spanish interpretation throughout the fair hearing, but would require Spanish interpretation only if he testified. The parties agreed that the Spanish interpreter would only provide interpretation when requested by Father. Father never testified nor requested Spanish interpretation.

Evidence was received, the record closed, and the matter submitted for decision on September 11, 2025.

ISSUE

Should CVRC be required to add funds to Claimant's current Self-Determination Program (SDP) budget corresponding to the period of February 1, 2025, through April 30, 2025, when no SDP budget or spending plan was in place?

FACTUAL FINDINGS

Background

1. Claimant is a 25-year-old CVRC consumer based on his qualifying diagnosis of autism spectrum disorder (ASD). He is enrolled in the SDP, which provides "an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement" claimant's Individual Program Plan (IPP). (Welf. & Inst. Code, § 4685.8, subd. (a).) Various statutes and regulations govern what supports and services a regional center may fund through the SDP.

2. Regional centers must provide services and supports to help consumers achieve their intended personal outcomes and life goals and promote inclusion in their communities. Consumers and regional centers must also participate in an annual planning process to determine what services and supports are necessary to achieve those goals. The planning process usually occurs in or near the consumer's birth month.

3. For consumers who participate in the SDP, the IPP process includes establishing an individual budget. That budget reflects the amount of regional center funding available for the consumer to purchase the services and supports necessary to implement the IPP. Once the annual SDP individual budget is established, the consumer then develops a spending plan to identify the cost of each service and support the consumer will purchase with regional center funds to implement their IPP. The spending plan cannot exceed the individual budget.

Jurisdiction and Procedural History

4. On March 13, 2025, CVRC issued a Notice of Action (NOA) at Mother's request. The NOA indicated that CVRC had not provided Claimant an extension of his prior SDP budget that expired on January 31, 2025, because he did not request a budget extension until February 26, 2025.

5. On May 12, 2025, Mother filed an appeal and fair hearing request on Claimant's behalf. The fair hearing request alleged that an IPP meeting could not be conducted in December 2024, and CVRC failed to proactively offer an SDP budget extension before the prior SDP budget expired on January 31, 2025. An IPP meeting was only eventually held in March 2025. This ultimately led to no funding for services and supports between February 1, 2025, and April 30, 2025. Additionally, the fair

hearing request alleges that CVRC failed to complete Claimant's SDP budget and spending plan, or issue him an NOA, within 60 days of his prior SDP budget expiring on January 31, 2025.

6. On June 5, 2025, OAH consolidated Claimant's appeal with an appeal filed by Claimant's brother (Brother). On June 6, 2025, OAH set the consolidated matter for a fair hearing on June 30, 2025.

7. On June 12, 2025, Claimant and Mother requested to continue only Claimant's hearing because Claimant did not want Claimant and Brother's matters consolidated and heard together. Claimant waived the time limits prescribed by law for holding the hearing and issuance of a decision. CVRC did not oppose Claimant's request. Moreover, as Claimant's first continuance request, it had to be granted without regard to cause.

8. On June 17, 2025, OAH separated Claimant's and Brother's matters and continued Claimant's fair hearing to August 13, 2025. (Another Administrative Law Judge, acting as a hearing officer, then heard Brother's matter on June 30, 2025. A final decision in that matter issued on August 11, 2025. Although the undersigned has taken official notice of that decision in this matter at CVRC's request, this matter is independently decided on the record and applicable law in this case only.)

9. On August 12, 2025, Mother requested a continuance of the August 13, 2025 fair hearing due to a family emergency. Mother indicated that Claimant was available for a continued fair hearing on September 9, 10, or 11, no earlier than 10:30 a.m. each day, but that Claimant preferred Thursdays. CVRC did not oppose Mother's request.

10. Later on August 12, 2025, OAH issued an order granting Mother's request and continuing the fair hearing to Thursday, September 11, 2025, at 10:30 a.m. The order confirmed that the hearing would take place in person in Visalia unless a request is made to OAH to appear remotely. That same day, Ms. Molinet also sent an email to Claimant, copying Mother, indicating that the new hearing date was September 11, 2025, at 10:30 a.m., in person at CVRC's Visalia office.

11. On September 8, 2025, at 10:36 a.m., OAH staff sent an email to all parties, including Claimant and Mother, confirming the in-person hearing for September 11, 2025, at 10:30 a.m., at CVRC's Visalia office. The email requested all parties to respond and confirm their attendance at the hearing.

12. On September 9, 2025, at 9:59 a.m., Ms. Molinet responded:

I spoke with [Mother] yesterday afternoon and informed her that OAH is requesting confirmation about moving forward with the Hearing. Parent did not confirm they plan on moving forward, she stated she would speak with [Claimant]. I informed [Mother] to review OAH emails and to respond as soon as possible.

13. On September 10, 2025, at 12:19 p.m., OAH staff sent an email to all parties, including Claimant and Mother, stating:

OAH has not received confirmation the hearing scheduled in this matter will proceed as scheduled tomorrow, Thursday, September 11, 2025, at 10:30 a.m., at Central Valley Regional Center, 5441 W. Cypress, Visalia, CA 93277. Please respond to this email to confirm your attendance at

the hearing. If you prefer that the hearing be conducted by telephone/videoconference instead, please advise us so we can make the arrangements.

14. On September 10, 2025, at 1:36 p.m., Mother sent OAH an email requesting additional time to secure funding from CVRC for legal representation and/or advocacy services to support him in this matter. At the bottom of the email appeared Mother's name, followed by the title "Advocate & Consultant" and a company name of "Daxtha 1 Advocacy LLC."

That same day, at 1:41 p.m., CVRC responded that it wished to proceed with the scheduled fair hearing.

Thereafter, at 2:21 p.m., at the direction of the undersigned, OAH staff notified the parties that the fair hearing would proceed as scheduled and that all parties were expected to appear in person. OAH staff further notified the parties that Claimant may renew his continuance request at hearing, but should be prepared to go forward with the hearing if the request is denied.

15. All parties appeared at the fair hearing on September 11, 2025. Claimant renewed his request for a continuance to secure funding from CVRC for legal representation and/or advocacy services. Mother explained that the Office of Client Rights Advocacy advised Claimant that it is not a generic resource providing services to the public and that it was unable to advise Claimant in this matter.

16. The undersigned denied Claimant's continuance request for three reasons.

First, this matter has already been pending since May 2025 and has been continued twice previously at Claimant's request.

Second, Claimant did not request another continuance from OAH until the afternoon of the day before the in-person hearing in Visalia, when the hearing officer and other parties had already made preparations to travel to the hearing. Claimant and Mother were aware of any alleged need for legal representation and/or advocacy services well before that time. They failed to act diligently and timely request a continuance.

Third, Claimant was not prejudiced by a lack of legal representation at the fair hearing. Given that most claimants do not have legal representation, fair hearings under the Lanterman Act are conducted informally and with engaged neutrality by the hearing officer. Additionally, Mother appeared as Claimant's authorized representative throughout this appeal and uses the title "Advocate & Consultant" with a company name of "Daxtha 1 Advocacy LLC." Even though Mother is not an attorney, CVRC was also not represented by legal counsel.

In sum, for the reasons outlined above, Claimant's request for a third continuance was not supported by good cause as required by Welfare and Institutions Code 4712. Thus, the continuance request was denied and the matter proceeded to hearing. Nevertheless, to ensure Claimant has a meaningful opportunity to provide relevant evidence and facilitate a decision on the merits, the undersigned offered to leave the record open for a limited time after hearing. However, Claimant ultimately declined that opportunity.

CVRC's Evidence

17. CVRC offered documentary evidence and the testimony of Delia Arellano, Claimant's CVRC service coordinator, and Maria Klassen, CVRC's SDP program manager. Both witnesses generally testified consistently with each other and the documentary evidence.

18. Ms. Arellano has been Claimant's service coordinator for well over three years. During that time, Claimant has expressed a strong preference to be contacted via email. He does not like home visits or telephone calls. Thus, Ms. Arellano honors his wishes by using his preferred communication method of email.

19. Ms. Arellano explained that December is Claimant's birth month. Thus, his annual IPP meeting is expected to occur in or near December. Additionally, Claimant's SDP budget typically expires at the end of January, with his new SDP budget starting on February 1. Under a longstanding CVRC policy, the new SDP budget and spending plan must be signed and turned in to CVRC no later than the 10th of the previous month to become effective on the first of the next month. This is to allow sufficient processing time and input by all stakeholders. Thus, Claimant is required to sign and turn in his new SDP budget and spending plan by January 10 for it to become effective on February 1.

20. In early December 2024, Claimant learned of a death in his family. Ms. Arellano was aware of this and had empathy for the grieving process. Although steps needed to be taken to ensure a timely new SDP budget and spending plan effective February 1, 2025, she tried to "space out" email communications with Claimant to one every couple of weeks to avoid adding to his stress and grief.

21. On December 6, 2024, Ms. Arellano emailed Claimant and Mother to schedule Claimant's December 2024 IPP meeting. Ms. Arellano further stated:

Attached is the renewal budget for SDP period 2/1/2025 through 1/31/2026. Please review the budget and let me know if additional services are being requested. If you agree with the budget, please sign the budget and return it to me as soon as possible. I will also need the signed spending plan. Please remember that to avoid any interruptions in services, the goal is to have all budget related items completed by or before January 10, 2025. This will support [Claimant] in avoiding gaps in services.

22. On December 20, 2024, Mother responded to Ms. Arellano via email and requested a virtual IPP meeting. That same day, Ms. Arellano replied to Mother via email, copying Claimant. Ms. Arellano indicated that, due to a scheduled vacation, the earliest she could schedule an IPP meeting was December 31, 2024. Ms. Arellano attached another copy of the renewal budget for SDP period February 1, 2025, through January 31, 2026, and requested Claimant to provide information regarding any additional services he may want to request. Ms. Arellano again cautioned: "In order to avoid gaps in your SDP services, the IPP meeting, signed budget, accurate spending plan, and signature page need to be completed and returned to me by 1/10/2025." Mother did not respond to Ms. Arellano about the December 31, 2024 IPP meeting and was apparently unable to attend.

23. On January 13, 2025, Claimant's financial management service (FMS) contacted Ms. Arellano to inquire whether his SDP budget would be renewed effective February 1, 2025. On January 15, 2025, Ms. Arellano responded, copying Claimant and

Mother, that as of that day, Ms. Arellano had not yet received a certified budget or spending plan from Claimant. Thus, she could not be confident that a new budget would be ready by February 1, 2025.

24. On January 29, 2025, Ms. Arellano sent another email to Claimant and Mother. Ms. Arellano reminded them of the need to hold an IPP meeting. She added:

Please be reminded that [Claimant's] current 12-month budget is for period 2/1/2024 through 1/31/2025.
[Claimant's] budget is set to expire on 1/31/2025.
[Claimant], effective Saturday, 2/1/2025 you will not have an SDP budget, leading to lapse in services. Your SDP renewal budget was provided to you on 12/6/2024 for review. At that time, I also reminded you that to avoid a lapse in services, I would need your certified budget, spending plan, and the signature page returned to me by 1/10/2025. However, I have not received any correspondence from you or [Mother].

Ms. Arellano encouraged Claimant and Mother to contact her to schedule the IPP meeting and discuss services moving forward.

25. On February 14, 2025, Ms. Arellano again emailed Claimant and Mother regarding the need for an IPP meeting and certified budget/spending plan. She noted:

I understand that you may have other commitments to tend to, but it is important that we set a date to meet to update your IPP and discuss SDP services. It is now 2/14/2025, indicating you have been without an SDP budget for 14

days. I would like to support you in whatever capacity I am able, to prevent any further lapses in services.

26. On February 19, 2025, Mother left a voicemail for Ms. Arellano about scheduling Claimant's IPP meeting. On February 20, 2025, Ms. Arellano responded via email to Mother and Claimant, providing available dates and times. On February 24, 2025, Claimant replied that he would review Ms. Arellano's email and respond at a later time.

27. On February 26, 2025, Ms. Arellano emailed Claimant, copying Mother, to provide updated available dates and times for Claimant's IPP meeting. Ms. Arellano again stressed the importance of moving forward with the IPP meeting and SDP budget/spending plan given that Claimant was experiencing a lapse of services. She further indicated that Claimant's new SDP budget would require some changes. Specifically, his prior budget included 158 hours per month for a community integration training program (CITP) under service code 055, which the Department of Developmental Services (DDS) indicated can no longer be used as of January 1, 2025. Thus, they would need to discuss what alternative service would best align with Claimant's needs and include that in the new SDP budget.

28. Later that same day, Claimant responded to Ms. Arellano. He expressed disappointment that CVRC gave him inadequate support and had not proactively implemented a 60-day extension of his prior SDP budget that expired on January 31, 2025. He requested such an extension with an allocation of additional funds. Claimant also indicated willingness to move forward with scheduling the IPP meeting. In a series of scheduling emails that day, the parties ultimately agreed to meet over four different dates to finalize Claimant's IPP and SDP budget/spending plan: March 4, 6, 12, and 26, 2025.

29. On February 28, 2025, Ms. Arellano sent Claimant a more detailed response to his concerns via email, copying Mother. Ms. Arellano emphasized that she could not make decisions for Claimant. Because Claimant is at the center of all his services, she requires his cooperation to finalize his IPP and SDP budget/spending plan.

Ms. Arellano also reiterated that all required documents must be finalized and turned in by the 10th of the month prior to the budget effective date. Because the last scheduled meeting session was on March 26, 2025, the earliest possible effective date for the new SDP budget would be May 1, 2025.

Ms. Arellano further indicated that she could not grant a 60-day extension of Claimant's prior budget. She explained that DDS guidance issued on December 30, 2022 requires regional centers to notify the FMS that the prior budget would be extended at least 14 days before expiration of that prior budget. In this case, CVRC was required to notify Claimant's FMS of an extension no later than January 17, 2025. However, as of January 17, 2025, Claimant and Mother were not responding to Ms. Arellano's emails. Claimant did not request an extension of his prior budget until February 26, 2025, long after the required deadline.

30. The scheduling meetings went forward, Claimant's IPP was completed, and Claimant's SDP budget and spending plan were all signed by March 26, 2025. The SDP budget was a prorated budget effective from May 1, 2025, through January 31, 2026. Not including 283 hours of In-Home Support Services (IHSS), a generic resource, the SDP budget provides for 278 hours of Independent Living Services (ILS) a month at \$42.55 per hour, for a total of \$11,828.90 per month, and a total of \$106,460.10 for the prorated nine months. (Claimant received 120 hours per month of ILS in the prior budget; he elected to transfer the 158 hours per month of CITP in the prior budget to

ILS in the new budget, for a total of 278 hours per month of ILS). The SDP spending plan indicates that all services and supports were to be provided by Daxtha 1 Advocacy LLC and Diaz Services.

31. Ms. Arellano wants to support Claimant the best she can going forward, but that requires his cooperation and communication. She understands that Claimant contends that he has difficulty timely reviewing and responding to CVRC communications due to his ASD. However, she observed that he has consistently been allocated a substantial number of hours for ILS, which can help him navigate services, communicate with CVRC and providers, and comply with deadlines. Ms. Arellano understands that Mother owns both Daxtha 1 Advocacy LLC and Diaz Services, Claimant's providers of ILS services. If Mother does not wish to assist Claimant with his communication difficulties, Claimant could amend his spending plan and choose to allocate funds from his SDP budget for an independent facilitator. An independent facilitator may assist Claimant with his communications and advocacy.

32. Ms. Klassen has been CVRC's SDP program manager since May 2024. CVRC currently has approximately 167 SDP participants. To manage the caseload and ensure continuity of services, CVRC has imposed a deadline of submitting a signed SDP budget/spending plan by the 10th of the prior month to ensure the new budget becomes effective on the first of the next month. That is because several steps have to take place after submission of the signed SDP budget/spending plan, including creation of purchase orders and coordination with the FMS. Notwithstanding the deadline, it is exceedingly rare for a CVRC SDP participant to "go without a signed budget."

Ms. Klassen explained that CVRC cannot certify Claimant's SDP budget/spending plan without his input and signature, and the FMS cannot pay for

services without a certified SDP budget/spending plan in place. Under DDS's five principles of self-determination, SDP participants are expected to take responsibility to make decisions and turn in required paperwork in compliance with deadlines. Ms. Klassen agreed that Claimant could choose to allocate funds in his SDP budget for an independent facilitator to assist him with communications and complying with deadlines.

33. Ms. Klassen confirmed that CVRC could not retroactively grant an extension of Claimant's prior budget for the reasons explained by Ms. Arellano. A timely extension issued by January 17, 2025, would also have required Claimant's signature. However, as of January 17, 2025, Claimant had stopped communicating with CVRC for an extended period of time, and he did not request an extension until after expiration of his prior SDP budget.

Claimant's Evidence

34. Claimant and Mother both testified at hearing. Mother confirmed that she owns Daxtha 1 Advocacy LLC and Diaz Services. Claimant and Mother emphasized that CVRC is supposed to serve as Claimant's advocate, but instead provides him with inadequate support to access and navigate his services. Claimant's difficulty with reviewing and responding to communications is one of the reasons he is a CVRC client. His IPP meeting and SDP budget/spending plan are late every year. Yet, CVRC declines to do more or try alternative approaches to remind Claimant of deadlines and required documentation. Instead, CVRC just "bites back at" Claimant for his difficulties. Mother reiterated that CVRC had an obligation to proactively grant Claimant a 60-day extension of his prior SDP budget to ensure continuity of service. They request that CVRC be ordered to add funds to Claimant's current SDP budget corresponding to the period of February 1, 2025, through April 30, 2025.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Claimant bears the burden of proving that CVRC is required to add funds to Claimant's current SDP budget corresponding to the period of February 1, 2025, through April 30, 2025, during which time no SDP budget or spending plan was in place. (See Evid. Code, §§ 500 ["Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting"] & 115 ["Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence."].) A preponderance of the evidence means "evidence that has more convincing force than that opposed to it." (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Applicable Law

2. Under the Lanterman Act (Welf. & Inst. Code, § 4500 et seq.), the State of California accepts responsibility for persons with developmental disabilities and pays for the majority of the "treatment and habilitation services and supports" to enable such persons to live "in the least restrictive environment." (Welf. & Inst. Code, § 4502, subd. (b)(1).) "The purpose of the statutory scheme is twofold: to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community [citations], and to enable them to approximate a pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community [citations]." (*Assoc. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. To determine how an individual consumer is to be served, regional centers are directed to conduct a planning process that results in an IPP designed to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646; *Assoc. for Retarded Citizens v. Dept. of Developmental Services*, *supra*, 38 Cal.3d at p. 389.) The IPP is developed by an interdisciplinary team and must include participation by the consumer and/or his representative. The regional center must gather information and assessments from a variety of sources, including providers of services or supports. (Welf. & Inst. Code, § 4646.5, subd. (a)(1).)

4. Among other things, the IPP must set forth goals and objectives for the consumer, contain provisions for the acquisition of services (which must be based upon the consumer's developmental needs), contain a statement of time-limited objectives for improving the consumer's situation, and reflect the consumer's particular desires and preferences. (Welf. & Inst. Code, §§ 4646, subds. (a) & (b), 4646.5, subd. (a), 4512, subd. (b), 4648, subd. (a)(6)(E).) The regional center must then "secure services and supports that meet the needs of the consumer" within the context of the IPP. (*Id.* at § 4648, subd. (a)(1).)

5. "Self-determination" means "a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP." (Welf. & Inst. Code, § 4685.8, subd. (c)(6).) Self-determination is designed to give the participant greater control over which services and supports best meet their IPP needs, goals, and objectives. (Welf. & Inst. Code, § 4685.8, subd. (b)(2)(B).) One goal of the SDP is to allow participants to innovate to achieve their goals more effectively. (*Id.* at § 4685.8, subd. (b)(2)(G).)

6. “Individual Budget” means the amount of regional center purchase-of-service funding available to the participant to purchase services and supports necessary to implement the IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(3).) The SDP requires a regional center, when developing the individual budget, to determine the services, supports, and goods necessary for each consumer based on the needs and preferences of the consumer, and when appropriate, the consumer’s family, the effectiveness of each option in meeting the goals specified in the IPP, and the cost effectiveness of each option. (*Id.* at § 4685.8, subd. (b)(2)(H)(i).)

7. The regional center can adjust the individual budget if it determines it is necessary due to a change in circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures or if the IPP team identifies a prior unmet need that was not addressed in the IPP. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(ii).) The IPP team must determine the individual budget to ensure the budget assists the participant to achieve the outcomes set forth in the participant’s IPP and ensures their health and safety. (*Id.* at § 4685.8, subd. (j).)

8. “Spending plan” means the plan the participant develops to use their available individual budget funds to purchase goods, services, and supports necessary to implement their IPP. The spending plan shall identify the cost of each good, service, and support that will be purchased with regional center funds. The total amount of the spending plan cannot exceed the amount of the individual budget. (Welf. & Inst. Code, § 4685.8, subd. (c)(7).)

9. The SDP requires participants to “only purchase services and supports necessary to implement their IPP.” (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(C).) The SDP specifically obligates the participant to “manage Self-Determination Program

services and supports within the participant's individual budget." (*Id.* at § 4685.8, subd. (d)(3)(D).)

10. Regional centers are mandated to provide a wide range of services to facilitate implementation of a consumer's IPP but must do so cost-effectively. (Welf. & Inst. Code, §§ 4640.7, subd. (b), & 4646, subd. (a).) They must "identify and pursue all possible sources of funding for consumers receiving regional center services," including "governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal." (*Id.* at §§ 4646.4, subd. (a)(3)(A), & 4659, subd. (a)(1).) "Regional 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." (*Id.* at § 4648, subd. (a)(8).)

11. To accomplish those objectives, regional centers must certify SDP participants' spending plans to verify that the goods and services address the individual's desired outcomes identified in the IPP, are not available from generic services, and are eligible for federal financial participation. (Welf. & Inst. Code, § 4685.8, subd. (r)(6)(A)-(C).)

Conclusion

12. The record evidence shows that CVRC provided Claimant and Mother with sufficient notice and guidance to avoid a lapse of services on February 1, 2025. Indeed, it was Claimant's and Mother's failure to respond to CVRC communications that led to the lapse in services. As an SDP participant, Claimant has responsibility for timely responding to CVRC communications and complying with reasonable deadlines. To the extent he has difficulty doing so, he already receives ILS provided by Mother through Daxtha 1 Advocacy LLC and Diaz Services, who can assist him. He also has the

option of amending his spending plan to allocate funds from his SDP budget for an independent facilitator.

13. Claimant's prior SDP budget/spending plan expired on January 31, 2025. Claimant did not have a completed IPP and signed new SDP budget/spending plan until March 26, 2025. A longstanding CVRC policy requires that a new SDP budget/spending plan must be signed and turned in to CVRC no later than the 10th of the previous month to become effective on the first of the next month. This policy is reasonable given the steps that need to be taken after submission of the signed SDP budget/spending plan. Thus, CVRC properly determined that Claimant's new SDP budget/spending plan could not become effective until May 1, 2025. Without a signed and certified SDP budget/spending plan in place, CVRC could not fund services between February 1, 2025, and April 30, 2025.

14. Claimant also failed to demonstrate that CVRC was required to proactively grant Claimant an extension of his prior SDP budget under the circumstances here.

DDS guidance issued on December 30, 2022 requires regional centers to notify the FMS that the prior budget/spending plan would be extended at least 14 days before expiration of that prior budget/spending plan. In this case, CVRC was required to notify Claimant's FMS of an extension no later than January 17, 2025. However, Claimant did not request an extension of his prior budget/spending plan until February 26, 2025, long after the required deadline.

To be sure, that same guidance also requires regional centers to proactively facilitate continuity of services through any available process pending completion of a new SDP budget/spending plan. However, Mother and Claimant were not responding

to any of CVRC's communications between December 20, 2024 and January 17, 2025. As Ms. Klassen persuasively testified, even an extension of the prior SDP budget/spending plan would have required Claimant's cooperation and signature.

15. In sum, Claimant has not demonstrated that CVRC is required to add funds to Claimant's current SDP budget corresponding to the period of February 1, 2025, through April 30, 2025, during which time no SDP budget or spending plan was in place.

As noted above, Claimant's fair hearing request also alleges that CVRC failed to complete Claimant's SDP budget and spending plan, or issue him an NOA, within 60 days of his prior SDP budget expiring on January 31, 2025. However, Claimant's new SDP budget/spending plan was completed on March 26, 2025, and CVRC issued Claimant a NOA on March 13, 2025. Thus, those additional allegations are also not supported by the record.

Accordingly, Claimant's appeal must be denied.

ORDER

Claimant's appeal from Central Valley Regional Center's March 13, 2025 Notice of Action is DENIED.

DATE: September 17, 2025

WIM VAN ROOYEN
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025050695

Vs.

DECISION BY THE DIRECTOR

Central Valley Regional Center

Respondent.

ORDER OF DECISION

On September 17, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services 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 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.

IT IS SO ORDERED on this day October 14, 2025.

Original signed by:
Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions