

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS00027766

OAH No. 2025060813

DECISION

Administrative Law Judge Stephanie Haffner, State of California, Office of Administrative Hearings, heard this matter on October 1, 2025, by videoconference.

Executive Director's designee James Elliott represented San Andreas Regional Center.

Claimant, a minor, was represented by her parent. Claimant did not attend the hearing.

The record closed and the matter was submitted for decision on October 1, 2025.

ISSUES

Is claimant eligible for services under the Lanterman Developmental Services Act (Lanterman Act), on the ground that she is substantially disabled by autism?

Did San Andreas Regional Center follow procedures established by state regulation for reassessing claimant?

FACTUAL FINDINGS

Procedural Background

1. Claimant is five years old and lives with her parents. She has been diagnosed with autism spectrum disorder (autism).

2. On June 13, 2023, claimant was found to be provisionally eligible for regional center services through San Andreas Regional Center (SARC) when it was determined that she demonstrated substantial limitations in two qualifying areas of major life activity: communication and self-direction. Provisional eligibility under the Lanterman Act applies to children three or four years of age who have significant functional limitations in at least two of five areas of major life activity as appropriate to their age. (Welf. & Inst. Code, § 4512, subd. (a)(2)(A).)¹

¹ Statutory references are to the Welfare and Institutions Code unless otherwise noted.

3. Before claimant's fifth birthday, on May 7 and 8, 2025, an eligibility team that included a SARC psychologist, claimant's service coordinator, and a SARC district manager reviewed written records about claimant and concluded that she did not meet the eligibility criteria for ongoing regional center services under the Lanterman Act as of age five. By Notice of Action dated May 15, 2025, SARC denied claimant's eligibility for regional center services. Claimant timely appealed on June 19, 2025. This proceeding followed.

Reassessment of Eligibility

4. There is no dispute between the parties that claimant has autism, which is an eligible condition under the Lanterman Act, section 4512, subdivision (a)(1). There also is no dispute that claimant has significant functional limitation in two major areas of life activity: self-care and self-direction, and that she does not have significant functional limitation in mobility. Claimant asserts that she has significant functional limitations in the areas of expressive and receptive language and learning. SARC disagrees.

5. According to SARC case notes, various documents from claimant's parents were provided to SARC's psychologist for the current reassessment, including an autism diagnostic report from 2022, behavioral therapy reports dated October 2024 and March 2025, a psychoeducational evaluation dated July 2023, speech therapy evaluations from September 2024 and March 2025, and individualized education plans (IEPs) from July 2023 and May 2024. With limited exception, these documents were not provided for the hearing record. The record does not reflect that a member of the eligibility team met directly with claimant as part of the current reassessment.

6. The SARC psychologist did not testify. However, a "Provisional Eligibility 5-year old Eligibility Routing Form" dated May 7, 2025, reflects that the SARC psychologist considered "records" from 2024 indicating that claimant had learned to match or label shapes, colors, numbers one to 20, and upper- and lower-case letters; and that she had learned to count to 36, say 25 of 26 letter sounds; and pick her name from a field of 11. "Records" also reportedly indicated that claimant could follow two-step instructions and respond to questions beginning with "wh" (e.g., who, what). The psychologist also considered speech therapy treatment notes from 2025 described as indicating that claimant could use basic sentences to meet her needs. The psychologist considered that speech therapy goals focused on following unrelated two-step commands, answering open-ended questions, stating feelings, and greeting and responding, "which the latter relates to self-direction." The psychologist concluded that overall, claimant "has substantial delays in self-care and self-direction" but does not meet eligibility criteria for regional center services.

7. Claimant's service coordinator also did not testify, but she completed the same "Provisional Eligibility 5-year old Eligibility Routing Form" dated May 7, 2025. Claimant's service coordinator noted on the form that claimant "has very limited communication skills," understands and follows simple commands that are used routinely at home, and imitates phrases that she does not understand. The service coordinator noted further that claimant "needs time and constant prompts to learn a new task."

8. Claimant's parent testified that claimant makes grammatical errors when speaking, misunderstands directions at school such as to obtain a book from the school library, requires simple communications, and cannot respond to open-ended requests such as to state what she ate at school or how she got injured. The principal

of claimant's former school stated in a letter that claimant often requires repetition, reminders, and step-by-step guidance to complete tasks. Claimant has a current educational goal to improve her ability to respond to two- and three-step directions.

9. SARC argued that claimant does not have expressive and receptive language impairments in that her communication difficulties are limited to pragmatic language, or social communication. This argument is not supported by expert opinion evidence or direct evidence, where claimant struggles with grammar, understanding directions, following directions, and responding to open-ended questions, indicative of difficulty with receiving and expressing language. Claimant also has learning impairments in that she needs time, repetition, and reminders to complete new tasks.

The record establishes that claimant has functional limitations in the areas of expressive and receptive language and learning. The record does not establish whether or not the limitations are "significant."

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act (§ 4500 et seq.). The purpose of the 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, 388.) The Act is a remedial statute; as such, it must be interpreted broadly. (*California State Restaurant Association v. Whitlow* (1976) 58 Cal.App.3d 340, 347.)

2. A developmental disability is a disability that is attributable to intellectual disability, autism, epilepsy, cerebral palsy, and what is commonly referred to as the "fifth category." (§ 5412, subd. (a); Cal. Code Regs., tit. 17, § 54000, subd. (a).) The fifth category refers to disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability. (*Id.*) A developmental disability must originate before an individual attains age 18, be likely to continue indefinitely, and constitute a substantial disability for that individual. (§ 5412, subd. (a); Cal. Code Regs., tit. 17, § 54000, subd. (b).)

3. A "substantial" qualifying disability causes "significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: "(A) Self-care. (B) Receptive and expressive language. (C) Learning. (D) Mobility. (E) Self-direction. (F) Capacity for independent living. (G) Economic self-sufficiency." (§ 4512, subds. (a), (1)(1); see also Cal. Code Regs., tit. 17, § 54001, subd. (a)(2).)²

4. A child who has been found provisionally eligible for regional center services "shall be reassessed" at least 90 days before turning age five, as to whether the child's condition meets the definition of developmental disability; i.e., a disability originating before age 18 that can be expected to continue indefinitely, and constitutes a substantial disability. (§ 4512, subds. (a)(1), (a)(4).)

² A child of claimant's age is expected to have limited functioning in the major life activities of capacity for independent living and economic self-sufficiency.

The assessment of substantial disability shall be made by a group of Regional Center professionals of differing disciplines and shall include consideration of similar qualification appraisals performed by other interdisciplinary bodies of the Department serving the potential client. The group shall include as a minimum a program coordinator, a physician, and a psychologist.

(Cal. Code Regs., tit. 17, § 54001, subd. (b).) This professional group “shall consult the potential client, parents, guardians/conservators, educators, advocates, and other client representatives to the extent that they are willing and able to participate in its deliberations” and subject to appropriate consent. (*Id.*, § 54001, subd. (c).) An assessment “may include collection and review of available historical diagnostic data, provision or procurement of necessary tests and evaluations, and summarization of developmental levels and service needs.” (§ 4643, subd. (a).)

5. Although claimant bears the ultimate burden to establish eligibility for regional center services by a preponderance of the evidence, SARC bears the burden to prove, by a preponderance of the evidence, that it has conducted the requisite assessment of substantial disability. (Evid. Code, §§ 115, 500.)

SARC has not met its burden to discontinue regional center services to claimant because it did not conduct an assessment of substantial disability as contemplated by California Code of Regulations, title 17, section 54001, subdivisions (b) and (c), or as described by Welfare and Institutions Code section 4643. (Factual Findings 3, 5 to 7.)

6. The hearing officer in a regional center appeal “shall make their best effort to fully and fairly develop the record.” (§ 4712, subd. (i)(1).) Because SARC has an

obligation to reassess claimant's ongoing eligibility for regional center services in a manner consistent with applicable statutes and regulations, but did not do so, the matter must be returned to SARC to conduct a reassessment in accordance with the law. SARC should continue to provide regional center services to claimant pending the result of the reassessment and a determination as to claimant's ongoing eligibility for regional center services.

ORDER

San Andreas Regional Center shall reassess claimant's eligibility for ongoing regional center services in accordance with Welfare and Institutions Code sections 4512, subdivisions (a)(1) and (a)(4), and 4643; and California Code of Regulations, title 17, section 54001. If after reassessment San Andreas Regional Center determines that claimant is not eligible for services, it shall issue a new Notice of Action including a new right of appeal.

DATE:

STEPHANIE E. HAFFNER
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 pursuant to subdivision (b) of Welfare and Institutions Code section 4713 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. (Welf. & Inst. Code § 4712.5, subd. (a)(1).)