

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

In the Matter of:

CLAIMANT

and

INLAND REGIONAL CENTER

DDS No. CS0027769

OAH No. 2025060933

DECISION

Jami A. Teagle-Burgos, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on July 14, 2025.

Claimant's mother appeared at the hearing and represented claimant who was not present.

Jemina Ahir, Fair Hearings Representative, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

Oral and documentary evidence was received. The record was closed, and the matter submitted for decision on July 14, 2025.

ISSUES

The issues to be decided are, first, whether IRC is required to fund tutoring services for claimant. Second, whether IRC is required to fund educational advocacy services for claimant.

FACTUAL FINDINGS

Background

1. The following factual findings are derived from documentary evidence and the testimony of Felicia Valencia, an IRC program manager; Amanda Knoefler, an IRC Individual Disability Education Act (IDEA) specialist; Valanitta Jingles an advocate for claimant; and claimant's mother.

2. Claimant is a 15-year-old boy who qualifies for regional center services based on a diagnosis of intellectual developmental disorder (IDD). He is in 10th grade and attended a school for special education students, until recently when he began home hospital instruction.

3. Claimant lives in the family home with his adoptive mother. He receives 283 hours per month of In-Home Supportive Services (IHSS) and his mother is his IHSS provider. IRC authorized claimant to receive the following services: 100 hours per month of respite; 60 hours per month of Personal Assistance (PA); up to four hours each day of social recreational coaching; and five nights of camp. Claimant's mother also receives \$4,293 each month through the Adoption Assistance Program.

Request for Tutoring Services and Educational Advocacy Services

4. Claimant is seeking tutoring services with one-on-one instructional support and educational advocacy services. On June 12, 2025, IRC issued a Notice of Action (NOA) denying claimant's request to fund tutoring services stating, "Any concerns should be addressed directly with the school through the IEP process. If you disagree with the district's offer of a Free Appropriate Public Education (FAPE), you must pursue resolution through the district's designated dispute resolution procedures." The NOA also denied claimant's request to fund educational advocacy services stating, "The decision to deny educational advocacy services is based on the current IEP. The IEP was signed and agreed upon by all parties." And, IRC advised that if claimant disagreed with the district's FAPE offer, claimant needed to engage in the district's dispute resolution process.

5. Claimant timely appealed IRC's decision, and this hearing followed.

TESTIMONY OF FELICIA VALENCIA – IRC PROGRAM MANAGER

6. The following is a summary of the testimony of Ms. Valencia. She has been the IRC program manager for the Riverside School Age – West Unit for almost 10 years. Her prior position at IRC was as a consumer services coordinator. She has 25 years working with persons with developmental disabilities and a master's degree in rehabilitation counseling. In her current role, Ms. Valencia oversees a team of about 21 employees working with children from ages six to 14. She consults with the team on cases and reviews service requests.

7. Ms. Valencia is familiar with claimant as she has intermittently been assigned to his case since 2014. Claimant initially was a consumer at San Diego Regional Center (SDRC) in 2014, and his case transferred to IRC in 2014 when he

moved to IRC's catchment area. During the intake process at SDRC, claimant was found eligible for regional center services due to mild IDD and autism. On September 9, 2014, his case was transferred to IRC.

8. An Individual Program Plan (IPP) dated March 17, 2025, and created by consumer services coordinator (CSC) Nicole Navarro indicated that his qualifying condition for regional center was IDD. He was also noted to have the following conditions, as reported by his mother, autism, attention-deficit hyperactivity disorder (ADHD), hallucinations, and tonic-clonic seizures. He was taking medications and being treated by a neurologist for his seizures. The IPP listed claimant as receiving generic services of 283 hours each month of IHSS with his mother as his provider, Medi-Cal, \$4,293 through the Adoption Assistance Program, and special education services through the district. The following were listed as claimant's existing services provided by IRC: 100 hours each month of respite to prevent caregiver fatigue with claimant's brother as the provider; and four hours each day or 12 days each month or 48 hours each month for a social recreational coach to help with social skills in the community. Claimant does not have any behavioral intervention services through IRC or the district. Claimant's mother submitted the following new requests to IRC for services for claimant: accompaniment at school parent conferences (approved); camp services (approved); 85 hours each month of PA to support claimant's daily activities of living (60 hours each month approved with claimant's brother as the provider); social recreational reimbursement (approved); tutoring reimbursement (not approved); and educational advocacy services (not approved).

9. Ms. Valencia testified she prepared the NOA issued to claimant that denied his request for tutoring reimbursement and educational advocacy services. IRC had requested documentation to support claimant's services request, but only

received an Individualized Education Program (IEP) amendment dated May 5, 2025, and a copy of a complaint that claimant's mother made to the district. IRC received no other records to support the need for tutoring or educational advocacy services.

10. Concerning educational advocacy services, Ms. Valencia stated claimant's mother originally requested these services because claimant had an issue with transportation to and from his school site, which was resolved. She then requested educational advocacy services because she was concerned about academic regression after claimant moved to home hospital instruction. Claimant's CSC had only been invited to one IEP meeting that occurred in May 2025. Ms. Valencia denied the request for educational advocacy services because, after reviewing the IEP, she recommended that any disagreements be taken up with the district and because generic services had not been utilized. On July 10, 2025, IRC provided claimant's mother with a list of generic resources for educational advocacy but it did not appear she accessed them. IRC does not fund educational advocacy services on an ongoing basis.

11. Concerning tutoring services, Ms. Valencia testified that claimant's mother requested these services to support claimant with school work and homework, as she was concerned about academic regression since his schooling changed to home hospital instruction. She denied this request for tutoring services because concerns regarding tutoring should have been addressed through the IEP process within the district, including through the district's process of appeal. In addition, claimant's mother's concerns regarding his IEP goals or school work could be addressed through his PA services provider, In-Roads Creative Programs, who could assist with homework prompting and working on IEP goals at home.

12. Ms. Valencia stated that other than being copied by claimant's mother on her letter of complaint to the district, IRC was unaware if she presented her complaints again to the district such as a request for tutoring during home hospital instruction.

13. On cross-examination, Ms. Valencia was asked how she knew claimant had not exhausted all generic resources regarding tutoring. She replied that IRC did not have any documented proof that generic resources had been sought or utilized by claimant's parent. Ms. Valencia was asked if she was aware claimant had been on home hospital since April 30, 2025, and there was a "case" with the district regarding educational advocacy and tutoring. She again replied IRC had no documented proof that generic resources had been utilized. Ms. Valencia was asked why claimant's CSC had not provided such documentation to her, as claimant's mother had provided it to the CSC, and Ms. Valencia replied that all records and email documentation had been provided for the purpose of this hearing.

TESTIMONY OF AMANDA KNOEFLE – IRC IDEA SPECIALIST

14. The following is a summary of the testimony of Ms. Knoefler. She has been an IDEA Specialist at IRC for one year. She has a master's degree in education. Her prior position at IRC was a preschool CSC. In her current role, when services are requested from a claimant's district, like a tutoring request, IRC looks to see if the district is providing tutoring through FAPE for an academic need like a reading goal in an IEP. If not, an IEP can be amended to write an additional goal into the IEP to meet an academic need. The IEP team at the district will look at the current services offered to the student and what other services can be offered to the student at the district.

15. Ms. Knoefler testified claimant's IEP amendment, dated May 5, 2025, noted he started "home and hospital instruction" in approximately April 2025, and for

the remainder of the year, due to his behaviors. Home hospital instruction occurs when parents provide documentation from a medical provider stating a student cannot attend school, so in-home instruction is conducted by a special education teacher for typically one hour per day for five days each week. Claimant's district offered two hours each day of home hospital instruction, for a total of 10 hours each week, as it agreed to provide a one-on-one teacher and an instructional aide during instruction time as an "aide to help support on task behavior during instruction."

16. Ms. Knoefler reported claimant qualified for "extended school year," which is essentially summer school for students who will regress in academics during a break of more than two weeks. She noted that claimant continued to make progress on his academic goals as indicated in his IEPs. She referred to his IEP, dated March 10, 2025, which referenced claimant having behavioral problems that might interfere with class instruction. Claimant's behavioral goal in his IEP indicated he "will become upset and aggressive by displaying non-compliant attitude, cursing, throwing objects, threatening and elopement when there are transition times, or when he is denied access to preferred items, when he becomes overexcited, or when perceived negative interaction with peers and/or staff." He was to undergo a functional behavioral assessment (FBA) by a school psychologist this fall to assess his needs.

17. When claimant was attending his last on-site school, the district's FAPE offer included a behavior plan for staff to follow, 360 minutes of daily specialized academic instruction, 535 minutes daily of one-on-one individual services during school and transportation hours, 20 minutes twice monthly of occupational therapy, 30 minutes twice monthly of language and speech therapy, 30 minutes each month of other transition services, a vocational assessment, counseling, and guidance.

18. Concerning tutoring, Ms. Knoefler testified she did not know why claimant's mother requested tutoring for claimant, as she did not see documentation supporting the request and it appeared claimant was making progress with his IEP goals. She commented there was "no need for tutoring services because [claimant] was not regressing, at this time, and [claimant's parent] can amend the IEP to make progress on IEP goals." She reiterated an extended school year (summer school) was the appropriate approach to academic regression. She remarked the "pressing concerns" now are the home education concerns expressed by the teacher and having the one-on-one aide during home education; and these concerns cannot be addressed by tutoring. Instead, the FBA offered by the district is the appropriate way to address these concerns. Ms. Knoefler stated if IRC received proof that tutoring was not being provided by the district, claimant's parent needs to ask the district to meet his needs by starting with an IEP amendment or take legal action against the district.

19. Concerning an educational advocacy, Ms. Knoefler testified this is used to support families when there has been a violation concerning the student's public education like when services offered in an IEP are not being adhered to by the district. She contended there was no need for IRC to fund educational advocacy services because claimant's parent must first utilize generic resources including working with the district. While IRC has vendors who provide educational advocacy, IRC must ensure that generic resources are exhausted before funding such services. Ms. Knoefler suggested that families can coordinate with the district in requesting or facilitating services, they must exhaust alternative dispute resolution options with the district, and they can have their child's IRC CSC attend IEP meetings. She also noted that families can reach out to "TASK" or "Autism Society" who offer free trainings for parents for support and how to obtain high quality IEPs. IRC will not pay for educational advocacy until all generic resources have been exhausted. Even when IRC provides educational

advocacy services, they are “very targeted to a specific need” for approximately three months, and do not include funding educational advocates to “file due process requests” against districts.

20. Ms. Knoefler acknowledged claimant’s parent sent a complaint to the district on May 6, 2025, which requested for a one-on-one aide during home hospital instruction, amongst other services. The request was denied by the district.

21. Ms. Knoefler also acknowledged claimant’s parent sent a demand letter to the district on June 11, 2025, asking for more than 40 hours each month of one-on-one tutoring and 30 hours each week of direct one-on-one support services. The district approved 30 hours each month of tutoring, and a credentialed special education teacher and instructional assistant during home hospital instruction, among other approved services. Ms. Knoefler remarked that in a letter from the district to claimant’s parent on June 24, 2025, it “looks like the district is working with the parent” through an informal meeting. In a letter to claimant’s parent on July 1, 2025, the district noted a hearing was requested by the parent and the district contended it did not deny claimant a FAPE and denied claimant’s parent’s claim for relief.

22. On cross-examination, Ms. Knoefler was asked if she was aware that tutoring had not yet been provided to claimant during his home hospital instruction. She responded, “I have the information the district has agreed to 30 hours a month. This is news to me that tutoring has not been provided to your child.”

23. On cross-examination, Ms. Knoefler was asked if she knew claimant’s academic levels. She responded claimant’s IEP indicated he partially met his goal for reading and he was at a first grade level in reading; and in math, he could identify

some dollar bills and needed prompting with coins, but stated "given his intellectual disability, there will be a deficit as to where he is academically."

TESTIMONY OF VALANITTA JINGLES – ADVOCATE FOR CLAIMANT

24. The following is a summary of the testimony of Ms. Jingles. Ms. Jingles is the founder of Success Work College Preparatory Academy in Long Beach, which serves kindergarten through grade 12, and specializes in science, technology, engineering, and math (STEM). She is also the chief executive officer (CEO) of Jingles Special Education Advocacy Service. Ms. Jingles has a 30-year background in education including being an elementary school teacher, middle school teacher, intervention specialist working with struggling learning, and vice principal of an elementary school and middle school, and high school. She also worked at a district office in education services specializing in legal compliance and special education. She started her own academy 13 years ago when she "saw so many kids falling through the cracks who were neurodivergent." She has seen "tremendous success" with students at her academy who went on to college.

25. Ms. Jingles testified that a student qualifies for home hospital instruction when a child has an illness or injury that is not related to discipline. She noted an IEP on January 22, 2024, reported claimant's primary qualifying disability was IDD. He did not meet his goal for counting currency, day/time scheduling, regulation of his emotions and use of coping skills, using numbers and short sentences, identifying the days, months, weeks of the year, and verbally asking for a break when frustrated. The only IEP goal that he met last year was performing daily tasks upon prompts.

26. Ms. Jingles stated when she sees a student is not meeting his IEP goals for more than one year, she advises parents that the services provided through the IEP

are not enough to meet their child's needs. Some students need "pre-teach," which is reviewing a lesson before the class, and some students need the lesson to be reviewed again when they get home. She remarked, "I hate saying this . . . no, schools don't just automatically throw everything at children . . . hence a mandate came out that says they have to test the kids and end up in alternative dispute resolution, mediation, etc., . . . it breaks my heart to answer this way." She stated that a district will not provide resources or advocates for parents to fight against the district in mediation or alternative dispute resolution. The districts consult their attorneys. However, parents often access free resources like reading brochures, and when those do not work, parents will have to access someone who is an expert in education law.

27. Ms. Jingles testified she attended IEP meetings with many regional center consumers. She has been in IEP meetings with claimant's mother. She often "leads" the IEP meetings because she knows how to "speak the language of education law . . . and . . . how to read the psycho-educational reports." She is able to "speak to the needs of the child based on the data, not just based on what we think needs to happen." She stated, "That's not what IDEA meant when they referenced 'adequate progress'."

28. Ms. Jingles reported that she and claimant's mother met with the district the week before the hearing and engaged in mediation. However, she referenced the district's most recent letter to claimant's mother that indicated the district "did a blanket denial of everything and said, 'see you in court'." Ms. Jingles noted claimant was on school break at the moment and school resumes on August 13, 2025.

29. On cross-examination, Ms. Jingles was asked if she was a vendored provider with IRC. She responded her school became a vendored provider last year to provide tutoring service for a different IRC consumer.

TESTIMONY OF CLAIMANT'S MOTHER

30. The following is a summary of the testimony of claimant's mother. She was his respite provider beginning when he was three years old when he was residing with foster parents. She adopted claimant on February 16, 2021. He has struggled and attended three different non-public schools since he has been with her. Claimant most recently attended a private day school recommended by the district but it did not meet his needs.

31. Claimant is now 15 years old and in 10th grade. Claimant has been on home hospital instruction since April 30, 2025. He was placed on an involuntary 5150 hold while he was on his school's campus. The district asked claimant's mother to send claimant back to the school for testing. She tried sending him back, but the testing was never done and claimant has regressed.

32. Claimant's mother has 29 years' experience of working with children with special needs. Claimant's advocate, Ms. Jingles, is also on board with claimant's mother and all of claimant's mother's children. Ms. Jingles assisted another child of claimant's mother to earn a diploma rather than just a certificate of completion. Claimant's mother hopes claimant will earn his diploma when he turns 18. She has invited IRC "every step of the way for the last several years" to get claimant what he needs.

33. Claimant's mother testified about her efforts to get claimant the services he needs. She stated, "I have exhausted the traditional programs. I don't qualify for the low income programs. I can't afford the other programs."

34. Concerning tutoring services, claimant's mother stated the district offered tutoring for claimant while he is on home hospital instruction. However, the district's tutoring vendor, Professional Tutors of America, has not sent anyone to

claimant's home because the tutor from Professional Tutors of America "refuses to come out because she doesn't deal with behavioral challenges." Professional Tutors of America told claimant's mother that it does not have any tutors who specialize with behaviors and it saw claimant's IEP indicated he has behavioral issues. Claimant's mother stated, "The district refuses to put that one-on-one aide support to go along with his tutoring." She asked the district for Ms. Jingles to be claimant's tutor, but the district replied it could only use a tutor who is vendorized through the district and it did not offer to vendorize Ms. Jingles. Claimant's mother believes Ms. Jingles has the qualifications as an instructor and tutor, as she did a great job with her daughter and will "do a great job" with her son. She stated that she "had to pay out of pocket." It is unclear if she has already hired Ms. Jingles to tutor claimant and has paid Ms. Jingles out of pocket for her tutoring services.

35. Claimant's mother stated she asked the Moreno Valley Public Library for assistance with tutoring and literacy services. But the library informed her it only provides "general help" and it has no persons to "help with kids with special needs." She looked at Kahn Academy but it is "not sufficient for individualized specific academic needs." She reached out to IHP Community Resource Center but they do not provide individualized tutoring for special needs children. She inquired with many other tutoring services but they either had a long waiting list and/or "don't offer the service for the behavior support that [claimant] requires."

36. Concerning educational advocacy services, claimant's mother testified she contacted claimant's IEP team at the district for home hospital instruction aide services, but she has received "no effective responses." Claimant has no one-on-one support for tutoring at home, which he had when he was on campus. He actually has

no current tutor. He is not being socialized. He has no current physical education services. He has no counseling. He has no occupational therapy.

37. Claimant's mother contacted Parents' Place Family Empowerment Center and requested assistance with navigating claimant's IEP, but she was "not able to get any great outcome with them . . . [and] they referred [her] elsewhere." She also reached out to Team of Advocacy for Special Kids (TASK) but they were unable to assist her at this time. She contacted Disability Rights of California for advocacy, support, and advice regarding school-based rights, but they only provided general information and could not provide legal representation at this time. She reached out to the California Department of Education, Special Education Division, regarding school obligations, and they provided her with complaint forms but told her complaints "take time" and do not resolve urgent educational needs. Claimant's mother does not currently have any lawsuit against the district. She is "just trying to get [claimant] his services."

38. Claimant's mother testified she presented all of this information to IRC to support his need for IEP implementation including tutoring with a one-on-one support aide. She noted "Nicole" became claimant's CSC after "Jamal" had been his CSC. Claimant's mother contended that she has pursued all available generic resources with no success and IRC must provide services when generic resources are not available.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. In a proceeding to determine whether an individual is eligible for services, the burden of proof is on claimant to establish by a preponderance of the

evidence that IRC should fund the requested service. (Evid. Code, §§ 115, 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051-1052.)

Evaluation and Disposition

2. Claimant's appeal is granted in part and denied in part, as follows:

3. Claimant has met his burden of proving that IRC shall provide him with tutoring services to include one-on-one instructional assistance for behavioral issues while he is on home hospital instruction, as discussed below in more detail. The evidence, as shown in the district's Prior Written Notice on June 20, 2025, establishes the district approved a tutor (30 hours each month) and one-on-one instructional assistant (unknown hours each month) for claimant while he is receiving home hospital instruction. However, the district's vendor, Professional Tutors of America, has yet to provide a tutor for claimant since he has been on home hospital instruction beginning April 30, 2025. It is unknown if the district has been able to provide the one-on-one instructional assistant to assist with behavioral issues, but it appears that it has not, since Professional Tutors of America refused to send a tutor to claimant's home because its tutors are not equipped to handle behavioral issues.

4. Hence, since claimant has been on home hospital instruction since April 2025, he has not received tutoring services or one-on-one instructional assistance. Claimant's mother credibly testified and the documentation corroborated that she made attempts to resolve these issues with the district. The district has agreed to provide tutoring services and one-on-one instructional assistance, but no tutoring services have been provided to claimant by the district. Claimant's mother also credibly testified about her attempts to utilize generic resources for tutoring services. She called public and private tutoring services, but most do not assist children with

special needs and others were not available. She looked into Kahn Academy, Moreno Valley Public Library, and IHP Community Resource Center, among others. The record indicates claimant's mother also asked the district to hire Ms. Jingles as a tutor for claimant. The district declined because it only uses its own vendorized providers such as Professional Tutors of America. Claimant's mother would like to hire Ms. Jingles to provide tutoring services with one-on-one instructional assistance, and she would like to be reimbursed for these expenses. Ms. Jingles is currently an IRC vendor for tutoring a different IRC consumer. Claimant has met his burden in showing he has exhausted generic resources for obtaining tutoring services and he has not been able to secure tutoring services from the district while he is receiving home hospital instruction. As such, IRC shall provide tutoring services with one-on-one instructional assistance to claimant while he is on home hospital instruction, and continuing, until the district provides such services while claimant is on home hospital instruction or until claimant returns to instruction at a school site where he is receiving tutoring services with one-on-one instructional assistance provided by the district. In addition, IRC should meet with claimant's mother and work together to amend his IPP to include a more in depth approach to claimant's behavioral issues and/or related services, and possible Applied Behavioral Analysis services.

5. Claimant has not met his burden of proving that IRC shall provide him with educational advocacy services. The evidence does not establish that claimant has exhausted generic resources for educational advocacy services. Claimant's IEP goals and whether he is meeting those goals needs to first be addressed by claimant's mother by meeting with claimant's IEP team at the district and amending claimant's IEP to reflect his needs. Claimant's CSC at IRC can assist claimant during these IEP meetings and should regularly be given an opportunity to participate in claimant's IEP

meetings. No evidence was presented that claimant's CSC at IRC was routinely invited to and participated in claimant's IEP meetings at the district.

ORDER

1. Claimant's appeal is partially granted and partially denied, effective the date of this decision, as follows:

2. Claimant's appeal for IRC to provide tutoring services is granted, wherein IRC shall provide tutoring services with one-on-one instructional assistance for behavioral issues while claimant is receiving home hospital instruction, and continuing until either the district provides such services while claimant is receiving home hospital instruction or until claimant returns to instruction at a school site where he can receive tutoring services with one-on-one instructional assistance provided by the district.

3. Claimant's appeal for IRC to provide educational advocacy services is denied.

DATE: July 25, 2025

JAMI A. TEAGLE-BURGOS
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.