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. CS0027838

OAH No. 2025061016

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on September 25, 2025, in San Leandro.

Claimant was represented by his parents and cousin. Claimant was not present.

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

The matter was submitted for decision on September 25, 2025.

ISSUE

May RCEB allow claimant to use funds from his Self-Determination Program budget to pay expenses for unpaid staff (family members) to accompany him on a trip to Disneyland, when the prospect of the trip has been a uniquely effective motivator enabling claimant to manage negative behaviors when in the community?

FACTUAL FINDINGS

1. Claimant is a young adult (almost 25 years old) regional center consumer with autism and epilepsy. He lives with his parents. Claimant participates in the Self-Determination Program (SDP). Claimant is conserved and his parents are both conservators. Claimant can communicate in short phrases of one to five words but does not engage in reciprocal conversations. Claimant's family is dedicated to finding opportunities for him to engage in the community and to finding creative ways to support him in fulfilling his potential.

2. Claimant's most recent Individual Program Plan (IPP) was created in November 2023. His former case manager, Blanca Alfaro, scheduled an IPP meeting on October 7, 2024 (October is claimant's birth month), in anticipation of the IPP's expiration. Alfaro did not realize when she scheduled the meeting that because claimant is in the SDP, the IPP meeting should not have been scheduled until January 2025, to coincide with his SDP budget year. Alfaro notified claimant's family in November that the IPP would not be completed until January. She then left her employment at RCEB in late December or early January, without completing the IPP. Claimant's family was not notified when she left and contacted RCEB staff several times inquiring about the status of the IPP. Case manager supervisor Daniel Bermeo

took over responsibility for claimant's case until a new case manager, Aneri Patel, was assigned in May 2025.

3. In a draft IPP developed in August 2025, claimant's goals include reducing negative behaviors so that he can participate safely in community activities, developing coping skills to manage his emotions while in the community, and engaging in community activities with one-on-one support.

4. Claimant's SDP budget for the current year is $384,610.27. The budget is based on his assessed needs for adaptive skills training (community integration program), transportation, respite, music therapy, and social recreation.

5. Claimant requires constant one-on-one supervision in the community. He enjoys being in the community but struggles to conform his behavior. Claimant's negative behavior in the community includes pinching, pulling hair, vocal stimming, biting, spitting, kicking, touching strangers, and throwing objects.

6. Claimant attended a non-public school from age 10 until age 22 because his local school district was unable to accommodate his challenging behaviors. At this school, a reward system was used to reinforce positive behavior. Claimant's parents were impressed by this approach and have incorporated it into claimant's life now that he is no longer in school.

7. Claimant engages in a challenging schedule of activities throughout the week. He regularly participates in volunteer work in a variety of settings, including at a retail bakery, at a thrift store, and at two historical park sites. He performs tasks such as weeding, assembling boxes, and stocking. He engages in these activities with one-on-one support from his adaptive skills/community integration program provider.

Claimant also participates in recreational activities in the community, such as swimming.

8. The program provider uses the behavior modification reward system that the family first learned from claimant's previous school. This involves small immediate rewards (such as piece of candy) and a larger award if claimant achieves a full day of good behavior. Claimant selects the larger award that he will work towards each day, such as a treat at a café or fast food restaurant. Velcro tokens are attached to a board throughout the day if claimant demonstrates good behavior. If the board is full at the end of the day, claimant is given the reward. Treats are paid for with claimant's debit card.

9. In December 2023, claimant's parents took him to Disneyland for the first time, after much research and planning. The multi-day trip was very successful and the family returned to Disneyland in December 2024. Immediately after this second trip, claimant began making daily requests to go to Disneyland again. This behavior was new for claimant, who did not previously ask his parents for anything in this manner.

10. A family member generously offered expiring travel points to the family so that claimant and his parents could return to Disneyland in May 2025. Claimant's parents decided to use claimant's enthusiasm for Disneyland to reinforce claimant's behavior leading up to this trip. Starting in February, they began using a calendar to mark off the days remaining before the trip. If claimant did not engage in any negative behaviors during the day, he was allowed to pack an item to bring on the trip into his suitcase.

11. The family shared this plan with claimant's adaptive skills program staff to implement during the day. The family developed a list of rules based on incidents of

claimant's negative behaviors. The rules are printed on small, laminated cards that staff working with claimant pin to their clothes so that claimant has a visual reminder of his behavior expectations. In addition to earning a daily reward for good behavior, if the adaptive skills provider reports that claimant followed his rules throughout the day, he is given a dollar bill to put in a special piggybank at home for use as spending money during his next trip to Disneyland.

12. In a three-month progress report for the period of February through April 2025, LEAPS Services, claimant's service provider at the time, reported that since the introduction of the Disneyland reinforcer, claimant's acts of physical aggression reduced by 70 percent.

13. In June 2025, claimant switched to a new service provider, FCSN. In a status report dated August 28, 2025, FCSN also reported significant progress in reducing inappropriate and maladaptive behaviors. Madeleine Ramirez, claimant's adaptive skills training specialist for the past three months, wrote that she uses claimant's strong desire to go to Disneyland as extra motivation to follow his behavioral rules when in the community. Claimant expresses his enthusiasm to go to Disneyland with Ramirez on a daily basis.

14. In May 2025, claimant's family requested that RCEB allow him to include in his SDP budget, under the category of community integration, funds to pay for travel, lodging, food, admission tickets, and other incidental expenses for support staff to accompany and support him on overnight trips to Disneyland or other locations.

15. In a letter dated June 4, 2025, RCEB sent a letter denying the request, including a Notice of Action explaining the denial. Claimant filed a timely appeal request.

16. In June 2025, claimant's parents filed a complaint under Welfare and Institutions Code section 4731, subdivision (a), based on RCEB's failure to complete an IPP. RCEB's executive director responded on July 28, 2025. The director apologized for the miscommunication and lack of follow up, and noted that after Patel contacted the family in May, the family stated that they wanted to wait until after this matter was resolved to have an IPP meeting. The family was advised that they could schedule a meeting earlier if they choose.

17. An IPP meeting was held on August 14, 2025. Bermeo and Patel both attended. Claimant's parents described for them in great detail their reward behavior modification program and how successful the program has been since Disneyland has been added to it. At the hearing, claimant's family expressed frustration and disappointment that these discussions were not included in the draft IPP report, which they received only as part of the exchange of documents prior to the hearing. Bermeo and Patel assured claimant's family that the IPP can be amended to include this information. As of the day of the hearing, the IPP remained unsigned.

18. At the hearing, claimant's family clarified that they are requesting expenses for unpaid staff (family members) to accompany claimant to Disneyland, because he is unable to go there without supervision. Travelling to Disneyland once or twice a year is financially burdensome for the family support staff.

19. Claimant's family emphasized the powerful effect using Disneyland as a reinforcement measure has had on claimant's behavior. The daily reward system had mixed results because claimant was not always motivated by the reward to maintain positive behavior throughout an entire day. Maintaining appropriate behavior in the community is imperative for claimant's safety and the safety of others.

20. RCEB staff explained that the SDP is a federal waiver program and that RCEB must follow federal rules. Medicare rules prohibit spending on room and board and for goods and services purchased for entertainment.

21. RCEB acknowledges the positive impact the promise of a trip to Disneyland has had on claimant's behavior. They view the trip as a commitment made to claimant by his family. They do not view funding support for him to go on a multi-day trip as meeting the definition of community integration because it is not promoting his daily involvement with the local community. They also do not view it as cost effective because RCEB is already funding other activities to help claimant to integrate into the local community.

LEGAL CONCLUSIONS

1. Pursuant to the Lanterman Developmental Disabilities Services Act, the State of California accepts responsibility for persons with developmental disabilities. (Welf. & Inst. Code, § 4500 et seq.)[1] The Lanterman Act mandates 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.) Regional centers have the responsibility of carrying out the state's responsibilities to the developmentally disabled under the Lanterman Act. (§ 4620, subd. (a).)

2. The Lanterman Act directs regional centers to develop and implement an IPP for each individual who is eligible for services, setting forth the services and

[1] All statutory references are to the Welfare and Institutions Code.

supports needed by the consumer to meet his or her goals and objectives. (§ 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.) Regional centers must provide services to consumers in a manner that reflects the cost-effective use of public resources. (§ 4646, subd. (a).)

3. The Self-Determination Program was enacted to allow regional center consumers to have increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP objectives. (§ 4685.8.)

4. Pursuant to section 4685.8, subdivision (c)(6), SDP funds shall be used only for "services and supports provided pursuant to this division that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation."

5. On July 8, 2024, the Department of Developmental Services (DDS) issued a letter providing guidance regarding what costs may be included in SDP budgets and spending plans. An enclosure attached to this letter provides that "Goods and services that are purchased for entertainment (for example, amusement park, concert tickets or recreation that provides no therapeutic and/or physical benefit)" are "Not Allowed" and "Prohibited in Federal Waiver Programs," with the further explanation, "Purely recreational activities that do not meet the disability-related needs of the participant and/or their IPP goals and outcomes (for example, entrance tickets for amusement park or similar for the consumer)." The enclosure also provides that funding "Room and board" is "Not Allowed" and is "Prohibited in Federal Waiver Programs."

6. Claimant’s family believes that use of claimant’s community integration funds to support his travel to Disneyland is within the spirit and letter of the law. They are requesting to use funds already allocated to claimant to fund what they characterize as an effective behavioral management program. Claimant’s family contends that providing funds for staff to travel with claimant to Disneyland should not be considered a purely recreational expense because of the strong reinforcing effect working towards “earning” the trip has on his behavior when he is in the community throughout the year. Being rewarded with a trip to Disneyland reinforces the skills taught to him in his adaptive skills program. Claimant’s family further contends that using SDP funds to support travel to Disneyland is a cost-effective use of regional center funds because alternatives would not be as effective at helping claimant improve his socialization and functioning in the community.

7. As set forth above, DDS has advised that SDP funds may not be used for consumers to attend amusement parks such as Disneyland, because this use is prohibited by the Centers for Medicare and Medicaid Services. Although claimant’s family effectively have used the promise of travel to Disneyland to reinforce claimant’s positive behavior in the community, this effective use does not alter the inherent nature of Disneyland as a recreational rather than therapeutic activity. As such, it cannot be funded with regional center funds. Claimant’s request to use SDP funds for travel, lodging, food, and entry tickets to Disneyland for unpaid staff to accompany claimant must be denied.

ORDER

Claimant’s appeal is denied. Claimant may not use SDP funds for travel, lodging, admission tickets, and other expenses for unpaid staff (family members) to accompany him on a multi-day trip to Disneyland.

DATE:

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025061016

Vs.

DECISION BY THE DIRECTOR

Regional Center of the East Bay

Respondent.

ORDER OF DECISION

On October 1, 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 27, 2025.

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