

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

In the Matter of:

CLAIMANT

and

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS No. CS0028369

OAH No. 2025070648

PROPOSED DECISION

Jennifer M. Russell, Senior Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on October 30, 2025.

Paul Mejia, Due Process Officer, represented North Los Angeles County Regional Center (NLACRC or service agency). Mother, with assistance from Mellissa De Conza, Independent Facilitator, represented Claimant, who was not present. Mother and Claimant's names are not used to preserve their privacy and confidentiality.

Tami Dolin, Self-Determination Program (SDP) Specialist; Gerald Calderone, Consumer Service Supervisor, Transition Unit; and Mother testified. Exhibit 1 through Exhibit 12 were received in evidence. The record closed and the matter was submitted for decision on October 30, 2025.

ISSUE FOR DETERMINATION

The sole issue for determination is whether Claimant's SDP third year budget properly includes a line expenditure for tutoring or test preparation services.

FACTUAL FINDINGS

1. Claimant is an 18-year-old adult consumer with NLACRC based on his qualifying diagnosis of autism. Claimant participates in the Self Determination Program (SDP).

2. At hearing, Ms. Dolin credibly explained that "the bucket of money" designated to fund services for an SDP participant, including Claimant, cannot be used to fund items not expressly provided for in the SDP participant's Individual Program Plan (IPP).

3. Consistent with the *North Los Angeles County Regional Center Service Standards (Service Standards)*, adopted by the Board of Trustees on March 13, 2024, and approved by the Department of Developmental Services on July 29, 2024, Claimant's most recent IPP, dated April 17, 2024, does not provide funding for tutoring or test preparation services. For adults, including Claimant, the *Service Standards* provides for NLACRC to fund "adult day services and supports that are structured

community or site-based programs, or supports that lead to integrated, competitive employment.” (Exh. 10 at p. 61 [A202].) The *Service Standards* provides a list of options available as site-based or supported/community-based training programs and activities, which does not include tutoring or test preparation services. (Exh. 10 at pp. 61-62 [A202-A203].) Consequently, it is improper for Claimant to use SDP funds to pay Santa Clarita In Home Tutoring (Santa Clarita) for private tutoring and test preparation services for Claimant.

4. The service agency recognizes that, in the first and second years of Claimant’s participation in SDP, the Financial Management System (FMS) agency disbursed SDP funds to pay Santa Clarita for Claimant's tutoring services. NLACRC did not authorize the disbursement. Ms. Dolin’s testimony credibly explained that NLACRC “has spoken to them (meaning the FMS agency) about what is permissible,” and, going forward, similar improper disbursements will not recur. Ms. Dolin additionally explained NLACRC will not be seeking “repayment of things that shouldn’t have been paid for.”

5. Mother was relieved to learn NLACRC would not be seeking reimbursement for SDP funds previously paid erroneously to Santa Clarita for tutoring services rendered to Claimant.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. As the party asserting a claim for services and supports under the Lanterman Act, Claimant bears the burden of establishing by a preponderance of the evidence his entitlement to the requested services and supports. (*Lindsay v. San Diego*

Retirement Bd. (1964) 231 Cal.App.2d 156, 161 [disability benefit]; *Greatoroex v. Board of Administration* (1979) 91 Cal.App.3d 54, 57 [retirement benefits]).

2. "Preponderance of the evidence" means evidence that has more convincing force than that opposed to it. (See *Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, 324.) "[T]he sole focus of the legal definition of 'preponderance' in the phrase 'preponderance of the evidence' is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant." (*Id.* at 324-325, original italics.) In meeting the burden of proof by a preponderance of the evidence, Claimant "must produce substantial evidence, contradicted or uncontradicted, which supports the finding." (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 329.)

Discussion

3. Under the Lanterman Act, developmentally disabled persons have a statutory right to treatment and habilitation services and supports. (Welf. & Inst. Code, §§ 4502, 4620, & 4646-4648; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 389.) The Lanterman Act mandates 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 of life in the community." (Welf. & Inst. Code, § 4501.)

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4. Regional centers play a critical role in the coordination and delivery of treatment and habilitation services and supports for persons with developmental disabilities. (Welf. & Inst. Code, § 4620 et seq.) Regional centers are responsible for securing needed services and supports, as determined in a consumer's IPP, in conformance with purchase of service policies approved by the Department Developmental Services, to reflect the cost-effective use of public resources. (Welf. & Inst. Code, §§ 4646, 4646.4, 4646.5, 4647, & 4648.)

5. Regional centers are authorized to deliver treatment and habilitation services and supports to consumers and their families participating in SDP. (Welf. & Inst. Code, § 4685.8.) Participants develop a spending plan and budget for the services and supports needed to implement their IPP. Regional centers review the spending plan and budget for compliance with pertinent state and federal law, to ensure the services and supports are eligible for federal financial participation, and to verify providers are qualified. (*Id.*)

6. Notably, SDP "shall only fund services and supports . . . that the federal Centers for Medicare and Medicaid Services determines [*sic*] eligible for federal financial participation." (Welf. & Inst. Code, § 4685.8, subd. (c)(6).) Participants in SDP are to "utilize the services and supports available within the Self-Determination Program only when generic services and supports are not available." (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(B).)

7. By reason of Factual Findings 1 through 4, Claimant has not met his burden of establishing by a preponderance of the evidence that his SDP third year budget properly includes a line expenditure to fund tutoring or test preparation services for him.

ORDER

Claimant's appeal is dismissed.

DATE:

JENNIFER M. RUSSELL

Senior Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025070648

Vs.

DECISION BY THE DIRECTOR

Northern Los Angeles California Regional Center

Respondent.

ORDER OF DECISION

On October 31, 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 November 18, 2025.

Original signed by:
KATIE HORNBERGER
Deputy Director
Division of Community Assistance and Resolutions