

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

In the Matter of:

CLAIMANT

and

WESTSIDE REGIONAL CENTER, Service Agency.

DDS No. CS0028438

OAH No. 2025070844

DECISION

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter by videoconference on February 3, 2026.

Claimant's father and mother (Mother) represented Claimant, who was not present during the hearing. Names are omitted to protect the privacy of Claimant and her family.

Sonia Tostado, Appeals and Resolutions Specialist, represented Service Agency.

The ALJ received testimony and documentary evidence. The record closed, and the matter was submitted for decision at the conclusion of the hearing.

During the hearing, at the ALJ's request, Service Agency submitted a one-page document, located on page A187 in Case Center. The document was inadvertently not marked for identification or admitted into evidence before the record closed. On his own motion, the ALJ reopened the record to mark for identification and admit as Exhibit 15 the one-page document. The record then reclosed and the matter was resubmitted for decision on February 3, 2026.

ISSUE

Whether Claimant is eligible for regional center services pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act) under the category of autism spectrum disorder (ASD).

EVIDENCE RELIED UPON

In reaching this decision, the ALJ relied upon Service Agency's exhibits 1 through 15; the testimony of Karesha Gayles, Psy.D., Service Agency staff psychologist, and the testimony of Mother.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is seven years old and lives with her parents. Claimant's parents seek regional center services for Claimant under the category of ASD.

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2. Service Agency is a regional center designated by the Department of Developmental Services to provide funding for services and supports to persons with developmental disabilities under the Lanterman Act, among other entitlement programs. (Welf. & Inst. Code, § 4500 et seq.)

3. On July 1, 2025, Service Agency sent Claimant a Notice of Action (NOA) indicating Claimant was ineligible for regional center services because she was not substantially handicapped by ASD or any other qualifying condition under the Lanterman Act.

4. On July 14, 2025, Claimant timely filed an appeal. This hearing ensued.

Claimant's Background

5. In a report dated September 18, 2023, Marie Kanne Poulsen, Ph.D., of Children's Hospital Los Angeles diagnosed Claimant with mixed receptive expressive language disorder and disruptive behaviors. Dr. Poulsen concluded Claimant did not meet the criteria for a diagnosis of ASD.

6. In a report dated February 24, 2025, Joseph Jacobs, Ph.D., diagnosed Claimant with ASD without accompanying intellectual or language impairment. Dr. Jacobs concluded Claimant required substantial support in connection with social communication and support for restricted, repetitive behaviors. He also diagnosed Claimant with moderate Attention-Deficit/Hyperactivity Disorder (ADHD), combined presentation.

7. Claimant is eligible for special education services under the category of autism. She attends a private school but receives services from the Los Angeles Unified School District (LAUSD). After Service Agency issued its NOA, Claimant submitted to

Service Agency for its review Claimant's Individualized Education Plan (IEP), dated November 12, 2025. In addition to services provided by LAUSD, Claimant receives occupational therapy and social skills training funded by Claimant's parents.

Service Agency's Denial of Eligibility

SERVICE AGENCY ASSESSMENTS

8. On April 7, 2025, Brittnie Pemberton, Service Agency Intake Counselor, conducted a psychosocial assessment of Claimant. Ms. Pemberton noted the following concerns: (1) in the area of language, difficulty with pragmatic communication; (2) in the area of learning, significant attention-related difficulties likely related to ADHD; (3) in the area of self-care, notable delays in toilet training, sensory sensitivities in connection with hygiene, and significant dietary limitations, all significantly impacting Claimant's ability to independently manage daily hygiene and nutritional needs; (4) and in the area of self-direction, difficulty initiating tasks independently, becoming easily overwhelmed when facing challenges, heavy reliance on routines, refusal to engage in new or unexpected activities without guidance, and lack of stranger awareness and risk assessment skills. Ms. Pemberton also noted behavioral concerns consistent with ASD and ADHD requiring ongoing behavioral support to promote emotional regulation and social integration. Ms. Pemberton recommended Service Agency's eligibility team consider these findings in connection with Claimant's eligibility for services.

9. On September 12, 2025, and October 2, 2025, Kristen M. Prater, Psy.D., performed a multidisciplinary assessment of Claimant. Dr. Prater reviewed Dr. Jacobs's and Dr. Poulsen's assessments of Claimant. She also interviewed Mother; observed Claimant at school, including interviewing Claimant's teacher; and administered the

Childhood Autism Rating Scale, 2nd Edition, High Functioning (CARS-2-HF) to Claimant. Dr. Prater used the CARS-2-HF to assess Claimant's behaviors and characteristics related to autism; Claimant's score on the CARS-2-HF fell in the minimal-to-no symptom range. Dr. Prater concluded Claimant displayed difficulty with emotional regulation and social interactions, but appeared to navigate her classroom expectations well and did not appear to have any adaptive deficits that impeded her success in the classroom. Claimant was able to interact with peers and follow her teacher's directions in a group setting. Dr. Prater did not specifically opine on Claimant's eligibility for regional center services. She provided various recommendations for Claimant, including that she receive group therapy for social skills and individual therapy to learn coping strategies.

ELIGIBILITY TEAM REVIEW

10. Service Agency staff psychologist Karesha Gayles, Psy.D., was a member of Service Agency's eligibility team which evaluated Claimant's eligibility for regional center services, along with the following individuals: (1) Ms. Pemberton, (2) a managing staff psychologist, (3) a physician, and (4) another psychologist. Dr. Gayles testified at hearing about the basis for Service Agency's denial of Claimant's eligibility for services. Service Agency did not dispute Claimant's ASD diagnosis, but concluded Claimant's ASD was not substantially disabling, and therefore Claimant was not eligible for regional center services. Dr. Gayles testified Dr. Prater's assessment concluding Claimant exhibited minimal-to-no symptoms of ASD weighed heavily in the eligibility team's determination.

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SUBSTANTIAL DISABILITY ANALYSIS

11. The Association of Regional Center Agencies (ARCA) set forth definitions and guidelines for regional centers to consider when determining whether an individual is substantially disabled. (Ex. 13.) Dr. Gayles testified the eligibility team considered the ARCA guidelines and found Claimant was substantially disabled in the area of expressive and receptive language, but not in any of the other four areas considered, as described below.

12. Service Agency evaluated the areas of mobility, receptive and expressive language, learning, self-care, and self-direction. Due to Claimant's young age, Service Agency did not evaluate the areas of capacity for independent living or economic self-sufficiency.

Mobility

13. According to ARCA guidelines, an individual is substantially disabled in the area of mobility if they have significant limitations with independent ambulation, including needing crutches, a walker, or a wheelchair, or if they have gait abnormalities and/or coordination problems that significantly interfere with mobility.

14. Claimant conceded she is not substantially disabled in the area of mobility.

Receptive and Expressive Language

15. According to ARCA guidelines, an individual is substantially disabled in the area of receptive and expressive language if they have significant limitations in both the comprehension and expression of verbal and/or nonverbal communication,

resulting in functional impairments. An individual must be impaired in both receptive and expressive language to consider this an area of substantial disability.

16. Service Agency found Claimant was substantially disabled in the area of receptive and expressive language.

Learning

17. According to ARCA guidelines, an individual is substantially disabled in the area of learning if they are substantially impaired in the ability to acquire and apply knowledge or skills to new situations even with special intervention.

18. Service Agency concluded Claimant was not substantially disabled in the area of learning. In support of the eligibility team's conclusion, Dr. Gayles noted (1) Claimant's intellectual functioning was in the average range, according to an assessment performed by Dr. Jacobs; and (2) Claimant requires support while at school, but not what Service Agency considers "substantial support," according to Dr. Gayles's review of Claimant's IEP. Dr. Gayles observed Claimant attends school in a general education classroom and does not have a one-on-one aide.

Self-Care

19. According to ARCA guidelines, an individual is substantially disabled in the area of self-care if they have significant limitations in the ability to acquire and perform basic self-care skills, such as personal hygiene, grooming, and feeding.

20. Service Agency concluded Claimant was not substantially disabled in the area of self-care. Dr. Gayles noted that, due to Claimant's young age, she requires support from her parents in connection with self-care, but Service Agency did not view Claimant's need for such support as a substantial disability, given the totality of the

circumstances. On cross-examination at the hearing, Dr. Gayles conceded Claimant has sensory sensitivities impacting her hygiene, such as her ability to comb her hair, and resulting in significant dietary restrictions. However, Dr. Gayles maintained these difficulties do not amount to a substantial disability in the area of self-care.

Self-Direction

21. According to ARCA guidelines, an individual is substantially disabled in the area of self-direction if they have significant impairment in the ability to make and apply personal and social judgments and decisions. Self-direction includes an individual's emotional development, interpersonal relationships, and interpersonal judgment.

22. Service Agency concluded Claimant was not substantially disabled in the area of self-direction. Dr. Gayles acknowledged Claimant experiences difficulties with emotional regulation and social interactions, but described these difficulties as "concerns" not amounting to a substantial disability. Dr. Gayles noted Claimant was able to comprehend and follow both simple and complex directions, despite sometimes requiring redirection back to a task. To the extent Claimant has trouble focusing on tasks or directions, Dr. Gayles asserted these challenges may stem from Claimant's ADHD. In sum, Service Agency would expect Claimant to require more support if she were substantially disabled in the area of self-direction.

Claimant's Evidence at Hearing

23. Claimant's parents seek regional center services for Claimant based upon functional impairments they believe are caused by ASD and impact multiple aspects of Claimant's life. Mother testified credibly regarding her concerns about Claimant's performance in school, relationships with peers and adults, sensory sensitivity, ability

to care for herself, and various developmental delays. According to Mother, similar concerns were raised by Claimant's teachers, coaches, and other adults who observed Claimant's behavior.

24. Mother testified she believes Claimant is substantially disabled in the areas of learning, self-care, and self-direction. Mother cited Claimant's low average and low scores on academic assessments conducted in connection with her IEP. She noted Claimant has difficulty staying on task, has a low frustration tolerance, experiences anxiety at school, and has difficulty processing her emotions and relating to others both at school and outside school. Mother further testified Claimant requires significant support in self-care, including toileting, bathing, and dressing. Claimant does not tolerate large crowds due to sensitivity to loud noises. Mother's testimony was consistent with concerns documented in Ms. Pemberton's psychosocial assessment report based upon Ms. Pemberton's interview of Mother.

25. Mother expressed frustration that Service Agency did not thoroughly review Claimant's application for regional eligibility. Mother's concerns were corroborated at hearing, when Service Agency acknowledged it had not reviewed the results of a psychological assessment conducted in connection with Claimant's IEP, despite Claimant submitting the report for Service Agency's review in November 2025. During a recess at hearing, Dr. Gayles reviewed the report and later testified it did not change her opinion regarding Claimant's eligibility for regional center services.

Analysis

26. The parties do not dispute Claimant's ASD diagnosis or that she is substantially disabled in the area of receptive and expressive language. The parties

dispute whether Claimant is substantially disabled in at least two of the following areas: learning, self-care, and self-direction.

27. Although Mother testified credibly about her concerns about Claimant and her desire to obtain services to assist Claimant, her testimony did not outweigh Dr. Gayles's credible testimony that Claimant was not substantially disabled by ASD. Service Agency acknowledged concerns exist regarding Claimant's functioning in the areas of learning, self-care, and self-direction, but Service Agency concluded these concerns do not rise to the level of substantial disability. Claimant did not prove otherwise by a preponderance of the evidence.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Claimant bears the burden to prove by a preponderance of the evidence she is eligible for regional center services. (Evid. Code, §§ 115; 500.) "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. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Act (Welf. & Inst. Code, § 4500 et seq.) to provide a pattern of facilities and services sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. 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, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. The Department of Developmental Services is the public agency responsible for carrying out the laws related to the care, custody, and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.)

4. Under the Lanterman Act, a developmental disability is a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, autism, and other conditions similar to intellectual disability or requiring treatment similar to that required by individuals with intellectual disability, i.e., the fifth category. (Welf. & Inst. Code, § 4512, subd. (a).)

5. "Substantial disability" means the existence of 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: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency. (Welf. & Inst. Code, § 4512, subd. (1)(1).)

Determination of Claimant's Ineligibility for Services

6. Claimant did not prove by a preponderance of the evidence she is eligible for regional center services. As described in Factual Findings 26 and 27,

Claimant did not prove she is substantially disabled by ASD. This Decision does not preclude Claimant from presenting further evidence to Service Agency, at some later date, so that she can be re-assessed for her eligibility for services.

ORDER

Claimant's appeal is denied. Claimant is not eligible to receive regional center services at this time.

DATE:

HARDEN SOOPER
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 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.