

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

In the Matter of:

CLAIMANT

and

ALTA CALIFORNIA REGIONAL CENTER, Service Agency

DDS No. CS0029392

OAH No. 2025080875

DECISION

Hearing Officer Christopher W. Dietrich, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on September 29, 2025, by videoconference from Sacramento, California.

Robin M. Black represented Alta California Regional Center (ACRC).

Claimant's mother represented Claimant. Claimant was not present.

Evidence was received, the record closed, and the matter submitted for decision on September 29, 2025.

ISSUE

Is ACRC required to fund personal attendant (PA) services for Claimant?

FACTUAL FINDINGS

Relevant Background

1. Claimant is a ten-year-old boy who lives with his mother. He has received ACRC services based upon his qualifying diagnosis of Autism since January 23, 2019.

Request for PA Services

2. Audra Racer, ACRC Service Coordinator, testified at hearing. She has been Claimant's Service Coordinator since November 16, 2023. Claimant has received ACRC-funded daycare services since that time. On March 21, 2025, Claimant's mother reported that Claimant was not attending school because Claimant was being bullied at school. On March 26, 2025, Claimant's mother informed Ms. Racer that she was considering enrolling Claimant in online schooling. Claimant's mother requested that ACRC authorize additional daycare hours.

3. On April 14, 2025, Claimant's mother informed Ms. Racer that she enrolled Claimant in independent study for the remainder of the school year. Claimant's mother requested that ACRC provide a tutor to assist Claimant with managing his schoolwork on Tuesdays and Wednesdays while she was at work. Ms. Racer informed Claimant's mother that ACRC could not fund a tutor because Claimant's school district was obligated to provide this service. As an alternative, she

asked if Claimant needed ACRC to authorize additional daycare hours to address this need.

4. Claimant's mother took leave from her job between May 1 and 27, 2025, to attend to Claimant's educational needs. On May 16, 2025, she submitted documentation to ACRC to support her request for additional daycare hours. The documentation included a letter from Claimant's daycare provider stating that the hourly rate for his care was increased from \$10 to \$25 per hour. The letter states the rate was increased because the provider had to provide "breakfast, lunch, . . . early dinner, lesson assistance, and assistance as needed with any schoolwork." Ms. Racer informed Claimant's mother that ACRC could not authorize additional daycare funding to provide homework assistance, lesson assistance, or tutoring services for Claimant. Ms. Racer agreed to speak to the daycare provider to obtain clarification regarding the provider's services and hourly rates.

5. Claimant's mother enrolled Claimant in a hybrid charter school for the 2025-2026 school year. Claimant attends school for in-person instruction on Tuesdays and Thursdays from 8:30 a.m. to 1:00 p.m. The remainder of Claimant's schoolwork is completed remotely on a self-determined schedule.

6. Individual Program Plan (IPP) meetings were held on March 21, 2025, and June 13, 2025. Claimant, his mother, Ms. Racer, and Service Coordinator Victor Gonzalez participated in the IPP meetings. Following the meetings, the parties signed an IPP which stated Claimant's goals for the year and summarized the services and supports that ACRC would fund to help Claimant achieve those goals. Per the IPP, Claimant needed prompts and reminders to dress, brush his teeth, attend to his hygiene, and use the restroom. The IPP states a goal for Claimant to learn to manage

these tasks independently without prompting from others. To support this goal, Ms. Racer agreed to request funding from ACRC for PA services.

7. The IPP further states Ms. Racer agreed to request funding for daycare services upon receipt of documentation showing Claimant's mother's work schedule. Claimant's mother provided documentation to ACRC showing that her work schedule is 8:00 a.m. to 4:30 p.m., Monday through Friday. Katie Robert, ACRC Client Services Manager, testified at hearing. On July 30, 2025, Ms. Robert approved funding for 136 hours of daycare services per month at a rate of \$5.50 per hour.

8. Ms. Robert reviewed Claimant's request for PA services. ACRC adopted a PA Services Policy which sets forth the intended use of PA services and the eligibility requirements. PA services are authorized as needed to assist regional center consumers with their activities of daily living, such as bathing, dressing, toileting, continence care, eating, non-medical care, or transferring to and from durable devices like wheelchairs. PA services are intended to provide direct care for regional center consumers, as opposed to being a teaching tool for regional center consumers to learn to complete these tasks independently.

9. Claimant receives 120 hours of ACRC-funded respite services per quarter, and 200 hours of In-Home Supportive Services (IHSS) per month. ACRC used a "services assessment tool" to calculate the number of claimant's "covered hours" and "uncovered hours" per month. Covered hours are those when Claimant is supervised, such as at school or daycare, or does not require supervision, such as when he is sleeping. The remaining hours are uncovered hours. Per the services assessment tool, Claimant has 576 covered hours per month and 153.6 uncovered hours per month, or 5.04 hours per day.

10. On July 21, 2025, Ms. Racer denied Claimant's request for PA services. At hearing, Ms. Robert explained that PA cannot be authorized for educational support because school districts are obligated to fund educational support services. Further, she determined that Claimant had no assessed need for PA services because his IHSS, respite care, and daycare authorizations are sufficient to meet his needs. ACRC is obligated to consider a parent's responsibility to care for their minor child. Although the services assessment tool showed Claimant had 153.6 uncovered hours per month, or 5.04 hours per day, she determined it was appropriate for Claimant's mother to provide this care in meeting her parental responsibilities.

Notice of Action and Fair Hearing Request

11. On July 29, 2025, ACRC issued a Notice of Action (NOA) informing Claimant that his request for PA services was denied. On August 14, 2025, Claimant's mother requested a fair hearing to contest ACRC's action. The NOA states the following reasons for ACRC's action:

There is no assessed need for [Claimant] to receive PA services. [Claimant] participates in an online homeschooling program as well as he receives 200 hours per month of [IHSS]. Additionally, ACRC funds 120 hours per quarter of in-home respite services. Furthermore, [Claimant] attends daycare around 136 hours per month. You also mentioned that the PA would serve as educational support for [Claimant] to assist him with his schoolwork. However, it is the school district's responsibility to meet this need.

Grammar original.

Claimant's Additional Evidence

CLAIMANT'S TESTIMONY

12. Claimant's mother is seeking PA services to assist Claimant with independently completing his activities of daily living without prompting. Claimant needs verbal reminders to wipe himself properly after using the restroom and to brush his teeth. Further, she wants a PA to assist Claimant with completing his daily schoolwork. Claimant struggles with staying on task when doing his schoolwork. He will avoid completing his assignments if he does not understand them. She seeks 12 hours of PA services per week. If authorized, Claimant would use PA services in lieu of daycare on Mondays, Wednesdays, and Fridays for four hours per day.

13. Claimant's Individualized Education Plan (IEP) dated September 12, 2025, was offered into evidence. Claimant, his mother, and school district representatives attended an IEP meeting in September 2025. Claimant's school district is in the process of determining Claimant's educational needs in his current independent learning setting. The district is completing several educational assessments which will be completed later in 2025. Claimant's school district proposed that Claimant receive 30 minutes of in-person academic support per week at his former school. Claimant's mother accepted this proposal. Claimant's IEP does not reflect that Claimant's mother requested that the school district provide an aide or tutor to assist Claimant with his remote learning.

DAYCARE PROVIDER'S TESTIMONY

14. Claimant's daycare provider has known Claimant since he was two or three years old. She has provided care for him for many years. Although she is not related to Claimant, she considers him to be her grandson. Claimant attends her

daycare from 7:00 a.m. to 5:00 p.m., Monday through Friday. On Tuesdays and Thursdays, daycare staff transport Claimant to and from school for in-person instruction.

15. Claimant's daycare provider ensures Claimant has at least one-on-one supervision at all times. If she is able, she will have two people watching him. When Claimant becomes upset he will have tantrums and will attempt to throw objects, push objects off of tables, or leave the daycare center. His supervisors will intervene to ensure he does not injure himself or others. Further, Claimant is "tech savvy" and will use his computer in inappropriate ways if not supervised carefully.

Analysis

16. Claimant bears the burden of proving that ACRC is required to fund PA services. For the reasons discussed below, Claimant did not prove that ACRC is obligated to provide PA services.

17. The purposes for which Claimant seeks to use PA services are inconsistent with the purpose and scope of these services as outlined in ACRC policies. PA services can only be authorized as needed to assist regional center consumers with their activities of daily living. They are not intended for teaching regional center consumers to manage these tasks independently or to support their education.

18. Further, Claimant's school district, not ACRC, is obligated to fund necessary educational supports for Claimant. School districts are obligated to provide special education and related services to meet the needs of children with disabilities. (See 20 U.S.C. § 14400(d)(1); Ed. Code, § 56000, subd. (a).) ACRC may not fund services that other governmental entities are obligated to provide. (See Welf. & Inst. Code, §§ 4648, subd. (a)(8) & 4659, subd. (a)(1).)

19. Finally, there is no assessed need for Claimant to receive PA services in addition to the supports he already receives. Claimant receives daycare services, respite services, and IHSS. Although these services do not provide 24-hour a day coverage, ACRC is not obligated to fund 24-hour a day services for Claimant. Rather, ACRC must consider a "family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs as provided in the least restrictive and most appropriate setting." (Welf. & Inst. Code, § 4646.4, subd. (a)(4).) ACRC considered Claimant's mother's responsibility to care for Claimant and determined that the services Claimant currently receives are adequate to meet his needs. Claimant did not prove otherwise at hearing.

20. As set forth above, the evidence did not demonstrate that ACRC is required to fund PA services for Claimant. Therefore, the appeal must be denied.

LEGAL CONCLUSIONS

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative fair hearing to determine the rights and obligations of the parties is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.)

2. Claimant has the burden of proving by a preponderance of the evidence that ACRC is required to fund PA services. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) Proof by a preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1387.)

3. Under the Lanterman Act, the State of California is responsible for providing individuals with developmental disabilities with the "treatment and habilitation services and supports" to enable such persons to live "in the least restrictive environment." (Welf. & Inst. Code, § 4502, subd. (b)(1).) To comply with this mandate the Department of Developmental Services contracts with non-profit agencies called regional centers to provide services and supports for individuals with developmental disabilities. (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4646 provides in part:

(a) It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, if appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, if

appropriate, the individual's parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.

[¶] . . . [¶]

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, if appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

5. Welfare and Institutions Code section 4646.4, subdivision (a), provides in part:

Regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer's individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service plan pursuant to Section 95020 of the Government Code, the establishment of an internal process. This internal process shall ensure adherence with federal and state law and

regulation, and if purchasing services and supports, shall ensure all of the following:

(4) Consideration of the family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs as provided in the least restrictive and most appropriate setting. In this determination, regional centers shall take into account the consumer's need for extraordinary care, services, supports and supervision, and the need for timely access to this care.

6. Welfare and Institutions Code section 4646.5, subdivision (a) provides:

The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, the consumer's parents and other family members, the consumer's friends, advocates,

authorized representative, if applicable, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family.

(2) A statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time-limited objectives for implementing the person's goals and addressing the person's needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery. These goals and objectives should maximize opportunities for the consumer to develop relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over the consumer's life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals.

7. Welfare and Institutions Code section 4647, subdivision (a) provides:

Pursuant to Section 4640.7, service coordination shall include those activities necessary to implement an individual program plan, including, but not limited to, participation in the individual program plan process; assurance that the planning team considers all appropriate options for meeting each individual program plan objective;

securing, through purchasing or by obtaining from generic agencies or other resources, services and supports specified in the person's individual program plan; coordination of service and support programs; collection and dissemination of information; and monitoring implementation of the plan to ascertain that objectives have been fulfilled and to assist in revising the plan as necessary.

8. Welfare and Institutions Code section 4648, provides in part:

In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

[¶] . . . [¶]

(8) Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

9. Welfare and Institutions Code section 4659 provides in relevant part:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

Conclusion

10. As explained above, Claimant did not prove that ACRC must fund PA services. ACRC properly determined that PA services cannot be used to assist with Claimant's need for academic support. ACRC also properly determined that Claimant does not have an assessed need for PA services. Therefore, Claimant's appeal must be denied.

ORDER

Claimant's appeal from Alta California Regional Center's July 29, 2025 Notice of Action, denying Claimant's request for PA hours, is DENIED.

DATE: October 6, 2025

CHRISTOPHER W. DIETRICH
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.