

**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. CS0029444

OAH No. 2025090162

(Consolidated with DDS No. CS0029443,

OAH No. 2025090161)

DECISION

Taylor Steinbacher, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter via videoconference on October 21, 2025. This matter was consolidated, for hearing purposes only, with another case pertaining to Claimant's younger sister, OAH number 2025090161. Separate decisions are being issued for each case.

Claimant's mother (Mother) represented Claimant at the fair hearing. Names are omitted to protect the privacy of Claimant and his family.

Cristina Aguirre, Due Process Officer, represented North Los Angeles County Regional Center (NLACRC).

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on October 21, 2025.

ISSUE

Has the regional center properly denied Claimant's request for funding of a social recreation activity?

EVIDENCE RELIED UPON

Documents: NLACRC Exhibits 1–10; Claimant's Exhibits A–CC.

Witness: For NLACRC: Marixa Lopez; For Claimant: Mother.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a 20-year-old, unconserved man who lives with his family in the catchment area served by NLACRC. Claimant's younger sister (Sister) is also a regional center client.

//

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

3. Claimant receives services from NLACRC under the Lanterman Act with an eligible diagnosis of Autism Spectrum Disorder. On August 6, 2025, NLACRC issued a Notice of Action (NOA) to Claimant, stating it was denying his request to fund a social recreation service called Inclusive Adventures, LLC (Inclusive). The reasons stated in the NOA for the termination of this funding were that: (1) funding Inclusive would be a duplication of existing social recreational services he receives; (2) there are more cost-effective, generic resources available; and (3) Mother, who is a natural support for Claimant, has a “financial interest” in Inclusive. (Ex. 1, pp. A1–A2.)

4. On August 17, 2025, Mother filed a fair hearing request to appeal NLACRC’s proposed action to deny Claimant’s funding for Inclusive. (Ex. 1, p. A5–A6.) This hearing ensued.

Claimant’s IPP and Funding Request

5. As of March 2024, Claimant’s Individual Program Plan (IPP) with NLACRC stated

[Claimant] has difficulty engaging in social settings with peers due to lack of interest therefore the IPP team agreed that his engagement would be enhanced if he is afforded opportunities to participate in programs with peers who share the same interests. . . . [Claimant] is eager to participate in both chess lessons and interactive gaming as

these are his primary interests. Through ongoing IPP planning, the IPP team agreed that [Claimant] will participate in chess lessons [once per week for one hour per session]. . . . [Claimant] has also been participating in Instruction & Dragons which is an interactive gaming program designed to improve executive functioning, strategize and problem solve while learning how to navigate social situations as a fictional fantasy character. The I&D program is offered both in person and remotely based on the family's preference and/or availability. [Claimant] participates in the program once per week, for 2 hours each session.

(Ex. 2, pp. A51–A52.) That IPP also approved funding for Claimant to participate in “Fit 4 Life” (sometimes called Fit For Life in the IPP documents), an exercise program which includes “physical fitness activities both indoors . . . and outdoors” (*Id.* at pp. A47–A48.)

6. On April 22, 2025, Mother contacted Claimant’s service coordinator to request reimbursement for Claimant’s participation in Inclusive as an additional social recreational activity beginning in May 2025. (Ex. 3, pp. A70–A71.) Mother provided additional details about the program, including a program flyer, to the service coordinator. According to the program flyer, Inclusive is “a structured social recreation program serving individuals ages 16 and up for all ability levels,” offering “a dynamic blend of interactive, community-based activities that promote inclusion, build essential life and social skills, and encourage meaningful peer connections.” (Ex. 5.) Examples of events facilitated by Inclusive included indoor activities such as bowling and art

workshops, and outdoor activities such as nature hikes and beach trips. Mother requested reimbursement of 30 hours of this service at \$75 per hour for a total of \$2,250 for May. (Ex. 4.)

7. In May 2025, the regional center became aware, in connection with a request to fund Inclusive as a social recreational activity for Sister, that Mother may have an ownership interest in the company, which it believed could present a conflict of interest.

8. In an addendum to Claimant's IPP dated July 4, 2025, the regional center agreed to continue funding Instruction & Dragons and chess lessons for Claimant, although the provider for the chess lessons changed. (Ex. 2, pp. A62–A63.) This addendum to the IPP did not mention or discuss approving Inclusive as a social recreational provider for Claimant.

9. As noted above, NLACRC issued an NOA denying Claimant's request for funding for Inclusive as a social recreation service in August 2025. Marixa Lopez, a Consumer Services Supervisor at NLACRC, provided testimony outlining the reasons for NLACRC's denial of funding for Inclusive as a social recreation activity for Claimant. One of these reasons was that Inclusive would be a duplication of services Claimant already receives. According to Lopez, chess lessons and Instructions & Dragons were both group activities with peers, which met a key IPP goal. Moreover, to the extent that Inclusive would meet an IPP goal of increasing indoor and outdoor activities, Fit 4 Life was meeting that need. Claimant also receives funding for some level of service, including a daycare program, respite, personal assistant, or In-Home Supportive Services for 20 hours every day. (Ex. 6.) The fact that other previously-approved social recreation services were serving Claimant's needs, along with the fact that he was receiving funding for services 20 hours every day, suggested to Lopez that approving

Inclusive for 30 hours of additional social recreation services every month was not warranted under the circumstances.

Claimant's Evidence

10. Mother believes Claimant's IPP goals can be met by participation in Inclusive. According to Mother, Inclusive is not duplicative of other services Claimant receives. Rather, Mother contends that chess lessons, Instructions & Dragons, and Fit 4 Life serve different IPP goals than those served by Inclusive. Mother disputed that Fit 4 Life was a social recreation activity at all. As for chess and Instructions & Dragons, Mother claimed these were structured indoor activities that did not assist with community integration or increasing Claimant's comfort in public spaces. According to Mother, Inclusive provides training on safety, communication, and independence among the general public using the least restrictive means.

11. An updated program flyer for Inclusive states it provides a way for participants to "explore new environments, build friendships, and gain confidence through hands-on experiences," with activities for small groups including "nature walks, adaptive sports, arts & crafts, farmer's markets, and other local outings" or for mid-size groups including "beach days, hiking, museums, volunteering, community events, and cultural outings" depending on the ages and needs of the participants. Smaller groups have a maximum 3 to 1 staff ratio, while mid-size groups have a 4 to 1 staff ratio. (Ex. Y.)

12. Mother concedes that she is an organizer and member of Inclusive, as stated in various corporate records available on the California Secretary of State's website. (Ex. 6.) Mother, however, testified that she merely created and filed the Articles of Organization for Inclusive and does not have any financial control over the

company. Although Mother is not a company employee, she does help plan outings for participants. Inclusive has paid employees who perform the day-to-day programming for the company. Mother has also consistently asserted that she would not receive any salary, financial gain, or material benefit from Claimant's participation in Inclusive as a social recreational activity. Mother offered to provide tax filings showing she does not receive income from her involvement in Inclusive, but NLACRC does not appear to have followed up with Mother about her offer.

Evaluation of Evidence

13. Lopez's testimony that Inclusive would be a duplication of other services Claimant already receives was persuasive. Claimant's IPP provides that participation in social recreation is to meet a goal for enhanced engagement in social settings due to a lack of interest. Claimant receives at least two social recreation services to address this goal (chess and Instructions & Dragons) and has the opportunity to go out into the community through Fit 4 Life. Thus, on this record, Claimant has not met his burden to show that the regional center's denial of funding for Inclusive was improper.

LEGAL CONCLUSIONS

The Lanterman Act

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) (All further undesignated statutory references are to the Welfare and Institutions Code.) The Legislature enacted the Lanterman Act 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.)

2. DDS is the state agency charged with implementing the Lanterman Act; DDS, in turn, contracts with private, non-profit community agencies called “regional centers” to provide developmentally disabled persons with access to the services and supports best suited to them throughout their lifetime. (§§ 4416, 4620.)

3. Under the Lanterman Act, an administrative proceeding, also known as a “fair hearing,” is available to determine the rights and obligations of regional centers and claimants when claimants disagree with a regional center decision. (§§ 4700-4717.)

4. Claimant requested a fair hearing under the Lanterman Act, and thus, jurisdiction for this case was established. (Factual Findings 1–4.)

Standard and Burden of Proof

5. The party proposing a change in existing services or asserting a new claim holds the burden of proof in administrative proceedings. (See, e.g., *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388 [the law has “a built-in bias in favor of the status quo,” and the party seeking to change the status quo has the burden “to present evidence sufficient to overcome the state of affairs that would exist if the court did nothing”].) The standard of proof for these proceedings is the preponderance of the evidence because no other law or statute, including the Lanterman Act, provides otherwise. (Evid. Code, § 115.) This standard is met when the party bearing the burden of proof presents 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.)

6. Here, Claimant bears the burden of proving by a preponderance of the evidence that the regional center's denial of funding for his participation in social recreation with Inclusive was improper.

Individual Program Plan Process

7. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center. (§ 4512, subd. (b).) This determination "shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by [IPP] participants, the effectiveness of each option in meeting the goals stated in the [IPP], and the cost-effectiveness of each option." (*Ibid.*; § 4646, subs. (a), (b) [noting that the IPP is developed through an "individualized needs determination" that includes the client as well as their parents, guardians, or authorized representatives, and should reflect "the needs and preferences of the consumer, and, as appropriate, their family"].) These cost control measures are in place to conserve resources that must be shared by many consumers. (See, e.g., §§ 4640.7, subd. (b), 4651, subd. (a), 4659.)

8. The IPP process includes "[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities." (§ 4646.5, subd. (a)(1).) This information gathering process allows the regional center to "identify and pursue all possible sources of funding for consumers receiving regional center services." (§ 4659.)

9. The legislature places “a high priority on promoting the full inclusion and independence of individuals with developmental disabilities, including through opportunities for recreation.” (§ 4688.22, subd. (a)(1).) Thus, the legislature includes “social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music,” as “among the services and supports within the meaning of subdivision (b) of Section 4512” and provides that these services “be made widely available to consumers, not only for socialization, but to lead the lives that they want in the community.” (§ 4688.22, subd. (a)(2).) Regional centers cannot restrict social recreational, camping, and nonmedical therapy funding to those services “that are specialized or directed toward the alleviation of a developmental disability within the meaning of subdivision (b) of Section 4512;” cannot require that services “meet both a recreational and socialization need, or prohibit the purchase of one-on-one services, including private lessons;” and cannot “generally prohibit or disfavor purchase of these services.” (§ 4688.22, subd. (b)(4)(A)–(C).) The regional center must be guided by certain principles when purchasing social recreation services, including that the services “shall promote community inclusion by providing opportunities to build ongoing relationships through or around shared interests or activities” (§ 4688.22, subd. (b)(2).)

Analysis

10. Claimant has not met his burden to show that NLACRC should fund his participation in Inclusive as a social recreational activity. The availability of social recreation activities is guided by the goals in Claimant’s IPP. Claimant’s IPP has set a goal for him for enhanced engagement in social settings due to a lack of interest. Claimant receives at least two, and arguably three, social recreational services to meet this goal (i.e., chess lessons, Instructions & Dragons, and Fit 4 Life). Claimant also

receives funding for some sort of service for 20 hours every day. Thus, given the amount of services Claimant already receives, the regional center's decision to deny funding for Inclusive was not improper.¹

11. Although Mother may be justified in her belief that Inclusive would be a beneficial social recreational activity for Claimant because it will address issues like safety awareness, teamwork, and self-advocacy, there was no evidence presented that these are goals currently mentioned in his IPP for which services must be provided.

ORDER

Claimant's appeal is denied.

DATE:

TAYLOR STEINBACHER
Administrative Law Judge
Office of Administrative Hearings

¹ As this appeal has been resolved on grounds that funding for Inclusive would be a duplication in services, it need not be decided whether the regional center's other grounds for denial, such as availability of generic resources or Mother's potential conflict of interest, could also be a sufficient basis to deny funding for this service.

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.

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

In the Matter of:

CLAIMANT

vs.

NORTH LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS Tracking No. CS0029444

OAH No. 2025090162

ORDER ON APPLICATION FOR RECONSIDERATION

An Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH) issued a decision (Decision) in this matter on November 5, 2025. On November 20, 2025, Claimant applied to OAH for reconsideration of the Decision under Welfare and Institutions Code section 4713 (further statutory citations are to the Welfare and Institutions Code unless otherwise designated). The application for reconsideration was timely submitted. The undersigned hearing officer did not hear the matter or write the Decision for which reconsideration is requested.

Section 4713 provides that a party may request reconsideration to correct a mistake of fact or law or a clerical error in the decision, or to address the decision of

the original hearing officer not to recuse themselves following a request pursuant to section 4712, subdivision (g).

The wording of section 4713, subdivision (b), as well as the expedited deadline for deciding an application set by this provision make clear that the mistake of fact or law in question must be apparent from the decision. There is nothing in section 4713 suggesting that an application for reconsideration contemplates the hearing officer reviewing the entire record including the admitted exhibits and the recorded hearing, to determine if the hearing officer made errors in evidentiary rulings or made mistakes of fact or law. That process is reserved for appeals of the underlying decision to the Superior Court.

ANALYSIS

Background

In the underlying case, the hearing officer considered whether the regional center properly denied Claimant's request to fund his participation in a social recreation program called Inclusive Adventures, LLC (Inclusive). Inclusive is advertised as " "a structured social recreation program serving individuals ages 16 and up for all ability levels," offering "a dynamic blend of interactive, community-based activities that promote inclusion, build essential life and social skills, and encourage meaningful peer connections. " "(*Matter of Claimant and North Los Angeles County Regional Center*, OAH No. 2025090162, p. 5 [quoting an Inclusive publication entered into the record as Exhibit 5] (Decision).) The hearing officer upheld the regional center's decision to deny funding Claimant's participation in Inclusive.

Claimant's Reconsideration Request

Claimant seeks reconsideration of the following claimed clerical errors and mistakes of fact and law:

(1) On page 5, paragraph 9 of the Decision, Claimant contends there is a clerical error in that the Decision states Claimant "receives daycare, respite, personal assistance or IHSS for 20 hours every day." Claimant disputes receiving 20 hours of a combination of these service per day, stating he receives 40 hours per month of respite, used on weekends only; four hours of personal assistance per day on Mondays through Fridays; up to 10 hours per day of day care, Monday through Friday, and 243 hours of IHSS per month in the evening.

Using claimant's breakdown, the 40 hours of respite during a two-day weekend equates to 20 hours per weekend day. The combined four hours of personal assistance and 10 hours of day care during weekdays equate to 14 hours per day during the week. Assuming a 30-day month, the 243 hours per month of IHSS protective supervision averages to approximately 8 hours per day across both weekdays and weekends, equating to a total of as many as 28 hours of some combination of these types of assistance per day, presumably with some overlap of services on those days when the hours total more than 24 hours. Thus, the Decision's reference to 20 hours of service per day may not be correct although it is not clear from Claimant's Reconsideration Request that the exact number of hours of these types of services would or should change the outcome of the Decision. In the absence of clear argument that the exact number of service hours matters to the ultimate outcome, reconsideration of the Decision would not be warranted based on such errors.

Claimant also maintained the hearing officer's references to these hours of service was incorrect because none of the services provide social recreation support, the central issue in the matter. This objection is repeated in claimant's third argument for reconsideration, set out below and is considered there.

(2) Throughout the Decision, Claimant contends there are clerical errors in that the Decision references a March 2024 IPP but does not acknowledge there is a July 4, 2025 IPP amendment, that IPP planning meetings were held on April 16 and May 27, 2025, or that Claimant's mother submitted written IPP goals and program information on April 8 and 11, 2025. Regarding these matters, Claimant's Reconsideration Request goes on to state "By omitting the updated IPP goals and discussions that specifically reference the need for Inclusive Adventures, LLC (outdoor community-based per social recreation), the [D]ecision evaluates [Claimant's] request using incomplete and inaccurate IPP information."

Claimant is incorrect in stating the Decision does not reference an IPP addendum or all the additional IPP-related document and notes. The Decision states that in April 2025, Claimant's mother contacted Claimant's service coordinator to request reimbursement of Claimant's participation in Inclusive. (See Decision, p. 4). The Decision also states Claimant's IPP was amended on July 4, 2025 but notes "[t]his addendum to the IPP did not mention or discuss approving Inclusive as a social recreational provider for Claimant." (Decision, p. 5.)

Regarding the March 2024 IPP, the Decision states:

Although Mother may be justified in her belief that Inclusive would be a beneficial social recreational activity for Claimant because it will address issues like safety

awareness, teamwork and self-advocacy, there was no evidence presented that these are goals currently mentioned in his IPP for which services must be provided.

(Decision, p. 11.)

Claimant is mistaken in maintaining the Decision did not address the July 2025 addendum. Other communications listed by Claimant as documents not considered in the Decision are not described clearly as fully executed by both parties' representatives and therefore would not have the force of a contract between them.

Notably, the Decision quotes the March 2024 IPP as stating "the IPP team agreed [Claimant's] engagement would be enhanced if he is afforded opportunities to participate in programs with peers who share the same interests." Although the IPP goes on to reference the chess lessons and interactive gaming opportunities in the same discussion, given the additional information about the limited opportunities for peer involvement in the chess lessons and Fit 4 Life programs discussed below, there is room to at least consider whether funding Claimant's participation in Inclusive could be allowable given the March 2024 IPP's acknowledgement of Claimant's need for activities with peers.

(3) On page 5, paragraph 9 of the Decision, Claimant contends there is a mistake of fact or law in that "the decision states [Claimant] "also receives funding for some levels of service including daycare, respite, personal assistance or IHSS for 20 hours every day" and treats these services as if they are meeting his social-recreation needs." (Reconsideration Information, p. 2.) Claimant goes on to argue the listed services are irrelevant to the issue of whether he is receiving adequate social-recreation services.

Claimant's argument bears merit. The services listed do not afford Claimant social and recreational opportunities and, as such, are likely irrelevant to the issue.

(4) On pages 3 and 4 and other areas of the IPP, Claimant contends the Decision contains a mistake of law and fact in that it does not acknowledge there are updated IPP documents since the March 2024 IPP the Decision relies upon to conclude there are no current IPP goals to support funding Inclusive.

This argument is addressed under the third basis for reconsideration discussed above.

(5) On page 5, paragraph 9 and page 7, paragraph 13, Claimant contends the Decision contains a mistake of law and fact in that it mischaracterizes Claimant's hour-long, once weekly chess lessons and participation in Fit 4 Live, a health and wellness service which provides nutrition education and a tailored exercise plan carried out through a one-to-one session with a personal trainer can be considered a social recreational program.

Claimant argues that, as both the chess lesson and the Fit 4 Life sessions are limited to one-on-one interactions and also notes that they comprise just 3 to 4 hours per week of Claimant's time, they do not and cannot provide meaningful opportunities for recreation and socialization.

Claimant's arguments are credited. A single hour of chess play with a teacher and fitness training, also undertaken through a one-on-one session with a trainer likely does not provide a genuine socialization opportunity for Claimant.

Disposition

For the reasons set out above, the application for reconsideration is granted and the matter shall be set for further proceedings to consider whether the hours of services such as respite, day care, and in-home support as well as the chess lessons and Fit 4 Life sessions meet Claimant's needs for social recreational activity as provided for in the March 2024 IPP or whether they do not and therefore, funding for Claimant's participation in the Inclusive program should be considered.

Because the hearing officer in the original matter did not reach all the arguments the regional center set out for denying the Claimant's request for funding Inclusive, these arguments should also be addressed in the proceeding to consider Claimant's arguments for reconsideration.

ORDER

The application for reconsideration of the final decision is GRANTED, and the matter shall be set for further proceedings before the original ALJ for consideration of whether Claimant's participation in the Inclusive program shall be funded, to be conducted in the same manner and subject to the same time limits as the original hearing. A Notice of Hearing shall be issued. The further proceedings shall be referred to as OAH Case No. 2025090162.1.]

DATE:

DEENA R. GHALY

Administrative Law Judge
Office of Administrative Hearings

**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. CS0029444

OAH No. 2025090162.1

DECISION AFTER RECONSIDERATION

Taylor Steinbacher, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, held a fair hearing in the matter of Claimant and North Los Angeles County Regional Center (NLACRC), OAH case number 2025090162, on October 21, 2025. The issue in that fair hearing was whether NLACRC should fund a social recreation program requested by Claimant. On November 5, 2025, the ALJ issued a Decision upholding NLACRC's decision to deny funding for Claimant's requested social recreation activity.

On November 20, 2025, Claimant moved for reconsideration of the Decision under Welfare and Institutions Code section 4713. (All further undesignated statutory references are to the Welfare and Institutions Code.) On December 5, 2025, a hearing officer who did not hear the matter or write the Decision granted Claimant's request for reconsideration and set the matter for further proceedings, as stated in the Order on Application for Reconsideration (Reconsideration Order).

Under the Reconsideration Order, the issue to be resolved in a new hearing is:

whether the hours of services such as respite, day care, and in-home support as well as the chess lessons and Fit 4 Life sessions meet Claimant's needs for social recreational activity as provided for in the March 2024 IPP or whether they do not and therefore, funding for Claimant's participation in the Inclusive program should be considered.

(Reconsideration Order at p. 7.)

Consistent with the Reconsideration Order, the matter was set for further proceedings, and the ALJ presided over an additional hearing by videoconference on January 22, 2026.

Claimant's mother (Mother) represented Claimant at the reconsideration hearing. Names are omitted to protect the privacy of Claimant and his family. Cristina Aguirre, Due Process Officer, represented NLACRC.

Evidentiary Issues

At the close of the reconsideration hearing, the ALJ determined the hearing should be continued until January 30, 2026, for the parties to submit additional

exhibits and any objections thereto. On January 28, 2026, NLACRC submitted: (1) a set of the exhibits it submitted in the original hearing; (2) an assessment that NLACRC conducted for Claimant's participation in Fit 4 Life, dated June 11, 2024; and (3) a calendar of services Claimant receives submitted by Claimant to NLACRC on January 14, 2026. Claimant did not submit any objections to this evidence.

The exhibits from the previous hearing remain in evidence, and it is unnecessary to re-admit them in these proceedings. The ALJ marked NLACRC's exhibits from the previous hearing as Reconsideration (Recon.) Exhibit 1. The ALJ marked and admitted the Fit 4 Life assessment as Recon. Exhibit 2 and the January 14, 2026, calendar of services as Recon. Exhibit 3.

On January 28, 2026, Claimant submitted thirteen additional documents as evidence:

- (1) An email between Mother and Claimant's service coordinator dated, April 8, 2025, in which she requested funding for Inclusive Adventures, LLC (Inclusive) as a social recreation activity for Claimant, marked for identification as Recon. Exhibit L-2;
- (2) An email response from Claimant's service coordinator to Mother, dated April 8, 2025, in which the service coordinator requested additional information about Inclusive, marked for identification as Recon. Exhibit M;
- (3) An email between Mother and Claimant's service coordinator, dated April 11, 2025, in which Mother proposed a change to Claimant's Individualized Program Plan (IPP) goals to support approval of Inclusive as a social recreation activity for Claimant, marked for identification as Recon. Exhibit N;

- (4) An email between Mother and Claimant's service coordinator, dated May 20, 2025, in which Mother discusses IPP planning with Claimant's service coordinator, marked for identification as Recon. Exhibit O;
- (5) An email between Mother and Claimant's service coordinator, dated June 27, 2025, in which Claimant's service coordinator notes that NLACRC will not fund Inclusive as a social recreation activity for Claimant due to Mother's interest in the entity and potential conflict of interest, marked for identification as Recon. Exhibit P;
- (6) An email between Mother and various NLACRC staff, dated June 28, 2025, in which Mother, among other things, requested the specific conflict of interest rule NLACRC was relying on to deny funding for Inclusive, marked for identification as Recon. Exhibit Q;
- (7) An email between Mother and various NLACRC staff, dated July 10, 2025, in which Mother asserted there was no conflict of interest rule prohibiting funding for Inclusive, marked for identification as Recon. Exhibit R;
- (8) A letter from the manager of the Fit 4 Life program, dated January 28, 2026, discussing Claimant's participation in the program, marked for identification as Recon. Exhibit S;
- (9) An undated letter from Claimant's chess instructor, discussing Claimant's participation in that program, marked for identification as Recon. Exhibit T;
- (10) Claimant's calendar of activities and services, as of January 2026, marked for identification as Recon. Exhibit U;

//

- (11) Mother's descriptions of activities from Claimant's January 2026 calendar, marked for identification as Recon. Exhibit V;
- (12) A "mock SDP calendar" for Claimant's participation in the Self-Determination Program (SDP), marked for identification as Recon. Exhibit W;¹
- (13) A document explaining each exhibit Claimant has offered and what is purportedly established as fact by each exhibit, marked for identification as Exhibit X.

On January 29, 2026, NLACRC submitted written objections to Recon. Exhibits S–W; NLACRC did not object to Recon. Exhibits L-2 through R. The ALJ marked and admitted those written objections into evidence as Recon. Exhibit 4. NLACRC asserts that Recon. Exhibits S–W were created after the date of the original hearing in this matter and discuss matters outside the scope of both the original hearing and the reconsideration hearing. On January 30, 2026, Claimant submitted responses to NLACRC's objections. The ALJ marked and admitted those responses as Recon. Ex. Y.

NLACRC's objections are overruled. Section 4712, subdivision (i), provides that the fair hearing need not be conducted according to technical rules of evidence and that any "relevant evidence shall be admitted." Recon. Exhibits S–W contain evidence that is relevant to determining the issue here, which is whether Claimant's needs for

¹ Claimant was not enrolled in the SDP program at the time of the original hearing and there was no evidence presented that Claimant currently participates in the SDP program.

social recreation as provided in his IPP are being met. Accordingly, the ALJ admitted Recon. Exhibits L-2 through Y into evidence.

The record was closed, and the matter was submitted for decision on January 30, 2026.

EVIDENCE RELIED UPON

Documents: NLACRC Exhibits 1–10 and Recon. Exhibits 2–4. Claimant’s Exhibits A–CC and Recon. Exhibits A–Y.

Witnesses: For NLACRC: Marixa Lopez; For Claimant: Mother.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is a 21-year-old, unconserved man who lives with his family in the catchment area served by NLACRC. Claimant’s younger sister (Sister) is also a regional center client.

2. NLACRC is a regional center designated by the Department of Developmental Services (DDS) to provide funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (§ 4500 et seq.)

3. Claimant receives services from NLACRC under the Lanterman Act with an eligible diagnosis of Autism Spectrum Disorder. On August 6, 2025, NLACRC issued a Notice of Action (NOA) to Claimant, stating it was denying his request to fund

Inclusive as a social recreation activity. The reasons stated in the NOA for the denial of this funding were that: (1) funding Inclusive would be a duplication of existing social recreational services he receives; (2) there are more cost-effective, generic resources available; and (3) Mother, who is a natural support for Claimant, has a “financial interest” in Inclusive. (Ex. 1, pp. A1–A2.)

4. On August 17, 2025, Mother filed a fair hearing request to appeal NLACRC’s proposed action to deny Claimant’s funding for Inclusive. (Ex. 1, pp. A5–A6.) As explained above, the original hearing in this matter occurred on October 21, 2025.

Claimant’s IPP

5. As of March 2024, Claimant’s IPP with NLACRC stated:

[Claimant] has difficulty engaging in social settings with peers due to lack of interest therefore the IPP team agreed that his engagement would be enhanced if he is afforded opportunities to participate in programs with peers who share the same interests. . . . [Claimant] is eager to participate in both chess lessons and interactive gaming as these are his primary interests. Through ongoing IPP planning, the IPP team agreed that [Claimant] will participate in chess lessons [Claimant] has also been participating in Instruction & Dragons which is an interactive gaming program designed to improve executive functioning, strategize and problem solve while learning how to navigate social situations as a fictional fantasy character. The I&D program is offered both in person and

remotely based on the family's preference and/or availability. [Claimant] participates in the program once per week, for 2 hours each session.

(Ex. 2, pp. A51–A52.) Regarding NLACRC's approval of chess instruction for Claimant, the March 2024 IPP approved his participation in that activity once a week for one hour. On a date not disclosed in evidence, but before February 2025, Claimant was approved to receive that service once a week for two hours. (See, e.g., Ex. 6; Recon. Ex. 3; Recon. Ex. V at pp. B62–B63.) As for Instruction & Dragons, that activity is a group-based program in which participants play a fantasy tabletop game similar to Dungeons and Dragons. (Ex. 7; Ex. CC [noting that the program is a "tabletop gaming group . . . providing social teamwork"].)

6. At the same time NLACRC's approved funding for these activities, a new IPP goal was created to have Claimant "acquire appropriate social skills that allow him to participate in meaningful, age-appropriate social relationships and activities." (Ex. 2, p. A52.)

7. In June 2024, NLACRC also approved funding for Claimant to participate in "Fit 4 Life" (sometimes called Fit For Life in the IPP documents), an exercise program which includes "physical fitness activities both indoors . . . and outdoors" (Ex. 2, pp. A47–A48.) Claimant's participation in Fit 4 Life was authorized by NLACRC to support his IPP goal of receiving "individualized support in proper health and nutrition and weight management." (*Id.* at p. A48.) An assessment completed by Fit 4 Life before the approval noted that the location of fitness activities would be at "Crunch Fitness, Parks, [and] Hiking trails." (Recon. Ex. 2, p. A199.) Per an Addendum to Claimant's IPP dated June 12, 2024, Claimant's participation in Fit 4 Life was characterized as "community activities support services (health and fitness)[.]" (Ex. 2, pp. A48–A49.)

Under the June 2024 IPP Addendum, NLACRC approved Claimant to receive services from Fit 4 Life for three hours per day, three times per week. (*Id.* at p. A48.)

Claimant's Funding Request for Inclusive

8. On April 8, 2025, Mother contacted Claimant's service coordinator, stating:

[Claimant] is really excited in participating in a community-based social recreation program called [Inclusive]. It operates on three Saturdays a month from 8 a.m. to 6 p.m. [¶] The program is designed to offer planned and supervised social recreation activities that promote socialization, community integration, peer engagement, and increased independence. The activities will vary each week and include transportation to, from, and between activity locations.

(Recon. Ex. L-2.)

9. That same day, Claimant's service coordinator responded and asked for additional information about Inclusive. The service coordinator also noted that "all new requests must be made through the IPP planning process in order to ensure proper case management procedures and thorough assessment of [Claimant's] needs."

(Recon. Ex. M.)

10. On April 11, 2025, Mother emailed Claimant's service coordinator once again, proposing an addition to Claimant's IPP to support his participation in Inclusive.

(Recon. Ex. N.)

11. On April 17, 2025, Mother met with Claimant's service coordinator to discuss Claimant's Person-Centered Plan (PCP) (Recon. Ex. E)—which was created in anticipation of Claimant's potential transition to SDP—as well as his IPP. (Recon. Exs. E-1, F.)

12. On April 22, 2025, Mother contacted Claimant's service coordinator to request reimbursement for Claimant's participation in Inclusive. (Ex. 3, pp. A70–A71.) Mother explained the program to the service coordinator and attached a program flyer. According to the program flyer, Inclusive is “a structured social recreation program serving individuals ages 16 and up for all ability levels,” offering “a dynamic blend of interactive, community-based activities that promote inclusion, build essential life and social skills, and encourage meaningful peer connections.” (Ex. 5.) Examples of events facilitated by Inclusive included indoor activities such as bowling and art workshops, and outdoor activities such as nature hikes and beach trips. Mother requested reimbursement of 30 hours of this service at \$75 per hour for a total of \$2,250 for May 2025. (Ex. 4.)

13. In May 2025, Claimant's service coordinator requested to have another meeting with Mother about Claimant's IPP. (Recon. Exs. F, O.) Later that month, NLACRC became aware, in connection with a request to fund Inclusive as a social recreational activity for Sister, that Mother may have an ownership interest in the company, which NLACRC believed could present a conflict of interest.

14. Claimant's service coordinator notified Mother by email on June 27, 2025, that it would not fund Inclusive as a social recreation activity for Claimant because NLACRC determined that Mother was the owner of Inclusive and would receive a financial gain from Claimant's participation, and therefore, funding that activity would be a conflict of interest. (Recon. Ex. P.) Mother vehemently disagreed with this

determination and expressed that disagreement via emails to NLACRC in June and July 2025. (Recon. Exs. Q, R.)

15. In an Addendum to Claimant's IPP dated July 4, 2025, NLACRC agreed to continue funding Instruction & Dragons, chess lessons, and Fit 4 Life for Claimant, although the provider for the chess lessons was changed. (Ex. 2, pp. A62–A63, A67.) This IPP Addendum did not include Mother's proposed language from her April 11, 2025 email changing Claimant's IPP goals such that participation in Inclusive would meet that new goal. Indeed, this IPP Addendum did not mention or discuss approving Inclusive as a social recreational provider for Claimant at all. Marixa Lopez, a Consumer Services Supervisor at NLACRC and then-supervisor of Claimant's service coordinator, testified that the July 2025 IPP Addendum did not mention or approve Inclusive as a social recreation provider for Claimant because NLACRC had determined it would not fund that social recreation activity, but did not want to further delay funding for other approved activities.

NLACRC's Denial of Funding

16. As noted above, NLACRC issued an NOA denying Claimant's request for funding for Inclusive as a social recreation service in August 2025. Lopez testified about the reasons for NLACRC's denial of funding for Inclusive as a social recreation activity for Claimant. Lopez explained that, when evaluating whether to fund additional services for a consumer, NLACRC looks at the totality of the person's needs and all the services they are receiving to ensure they are receiving an appropriate level of service to match their needs. This includes consideration of services provided by NLACRC, such as personal assistance, respite, and social recreation, as well as generic resources such as In-Home Supportive Services (IHSS).

17. Put another way, when considering whether to fund an additional social recreation activity for a consumer, NLACRC looks to see if their social recreation needs, as in the IPP are being met by services already being provided. NLACRC also assesses whether all the services the consumer currently receives to determine whether the amount of social recreation requested is appropriate in light of the type and quantity of services the consumer already approved.

18. Lopez testified that NLACRC considers Fit 4 Life, chess instruction, and Instruction & Dragons as social recreation activities for Claimant. Specifically with respect to Fit 4 Life, Lopez stated that although the activity focuses on Claimant's physical fitness, NLACRC funded it as "community activities support service []," because it was expected that Claimant would exercise, at least in part, outdoors in parks and on trails as indicated in the Fit 4 Life assessment and in Claimant's June 2024 IPP Addendum. (See Ex. 2, p. A48; Recon. Ex. 2, p. A199.) According to Lopez, NLACRC's funding of Fit 4 Life can serve multiple IPP goals, including as a social recreation activity, even if not expressly listed as such on the IPP. Thus, Lopez explained, considering Claimant's request to fund Inclusive for 30 hours per month in light of the social recreation activities he already receives, NLACRC determined that funding Inclusive would be a duplication of previously approved services.

19. NLACRC also evaluated the total amount of services Claimant receives in connection with his request to fund Inclusive. During the October 2025 hearing, NLACRC introduced into evidence a schedule created by Mother setting forth how these services are allocated on a per-hour basis for every day of the week, which was updated by Mother as of February 3, 2025:

//

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	IHSS
7 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	IHSS
8 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	IHSS
9 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	IHSS
10 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	Fit for Life 1
11 am	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	Fit for Life 1
12 pm	IHSS	Daycare	Daycare	Daycare	Daycare	Daycare	IHSS
1 pm	Respite	Daycare	Daycare	Daycare	Daycare	Daycare	Respite
2 pm	Respite	Daycare	Daycare	Daycare	Daycare	Daycare	Respite
3 pm	Respite	Daycare	Daycare	Daycare	Daycare	Daycare	Respite
4 pm	Respite	Fit for Life 1	IHSS	I & D ^{'until March}	IHSS	Chess	Respite
5 pm	IHSS	Fit for Life 1	IHSS	I & D ^{'until March}	IHSS	Chess	IHSS
6 pm	IHSS	PA	PA	PA	PA	PA	IHSS
7 pm	IHSS	PA	PA	PA	PA	PA	IHSS
8 pm	IHSS	PA	PA	PA	PA	PA	IHSS
9 pm	IHSS	PA	PA	PA	PA	PA	IHSS
10 pm	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
11 pm	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
12 am	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
1 am	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
2 am							
3 am							
4 am							
5 am							

(Ex. 6.) According to this calendar, Claimant was authorized to receive 220 hours of IHSS per month, 40 hours of respite care per month, and, from Monday through Friday, four hours of personal assistance services and ten hours of daycare.

20. Because other previously approved social recreation services were serving Claimant’s needs, along with the fact that he was receiving funding for services totaling 20 hours a day, Lopez believed approving Inclusive for 30 hours of additional social recreation services every month was not warranted under the circumstances.

21. During the reconsideration hearing, NLACRC introduced into evidence an updated calendar for Claimant provided by Mother on January 14, 2026, which is discussed further below:

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
12 AM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
1 AM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
2 AM							
3 AM							
4 AM							
5 AM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
6 AM	DC	DC	DC	DC	DC	IHSS	IHSS
7 AM	DC	DC	DC	DC	DC	IHSS	IHSS
8 AM	DC	DC	DC	DC	DC	IHSS	IHSS
9 AM	DC	DC	DC	DC	DC	IHSS	RS
10 AM	DC	DC	DC	DC	DC	IHSS	RS
11 AM	DC	DC	DC	DC	DC	IHSS	RS
12 PM	DC	DC	DC	DC	DC		RS
1 PM	DC	DC	DC	DC	DC		RS
2 PM	DC	DC	DC	DC	DC		RS
3 PM	DC	DC	DC	Fit 4 Life	DC		RS
4 PM	PA	Chess PA	I & D PA	PA	PA		RS
5 PM	PA	Chess PA	I & D PA	PA	PA		RS
6 PM	PA	PA	PA	PA	PA		RS
7 PM	PA	PA	PA	PA	PA		RS
8 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
9 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
10 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
11 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS

(Recon. Ex. 3.)

Claimant’s Evidence

22. Mother believes Claimant’s IPP goals can be met by participation in Inclusive. According to Mother, Inclusive is not duplicative of other services Claimant receives. Rather, Mother contends that chess lessons, Instruction & Dragons, and Fit 4 Life serve different IPP goals than those served by Inclusive. Mother disputed that Fit 4 Life was a social recreation activity at all. As for chess and Instruction & Dragons, Mother claimed these were structured indoor activities that did not assist with community integration or increasing Claimant’s comfort in public spaces. According to Mother, Inclusive provides training on safety, communication, and independence among the general public using the least restrictive means.

23. An updated program flyer for Inclusive states it provides a way for participants to “explore new environments, build friendships, and gain confidence through hands-on experiences,” with activities for small groups including “nature walks, adaptive sports, arts & crafts, farmer’s markets, and other local outings” or for mid-size groups including “beach days, hiking, museums, volunteering, community events, and cultural outings” depending on the ages and needs of the participants. Smaller groups have a maximum three-to-one staff ratio, while mid-size groups have a four-to-one staff ratio. (Ex. Y.)

24. Mother concedes that she is an organizer and member of Inclusive, as stated in various corporate records available on the California Secretary of State’s website. (Ex. 6.) Mother, however, testified that she merely created and filed the Articles of Organization for Inclusive and does not have any financial control over the company. Although Mother is not a company employee, she does help plan outings for participants. Inclusive has paid employees who perform the day-to-day programming for the company. Mother has also consistently asserted that she would not receive any salary, financial gain, or material benefit from Claimant’s participation in Inclusive as a social recreational activity. Mother offered to provide tax filings showing she does not receive income from her involvement in Inclusive, but NLACRC does not appear to have followed up with Mother about her offer.

25. Claimant participates in Instruction & Dragons for two hours per week while the program is running, but from time to time, the program is not in session. Mother has concerns about meeting Claimant’s needs for social recreation during these periods.

26. Claimant submitted a letter from the manager of the Fit 4 Life program in connection with the reconsideration hearing. In the letter, the manager claims

Claimant did not enroll in Fit 4 Life as a social recreation activity, but to support his overall fitness and health. The manager goes on to state, however, that Claimant initially began those workouts in a group setting, but experienced setbacks when other members of the group did not follow the program structure, which negatively impacted the effectiveness of the program for Claimant. Claimant now completes Fit 4 Life sessions one-to-one with a trainer, once per week, because other participants changed their schedules or withdrew from the program, and because his preferred trainer is only available once per week. (Recon. Ex. S.)

27. Claimant also submitted a letter from Claimant's chess instructor in connection with the reconsideration hearing. In the letter, the instructor states that Claimant began receiving chess instruction in a group setting, but became overwhelmed in a group environment, in the instructor's opinion. According to Claimant's chess instructor, Claimant "requires individualized chess sessions as a form of social recreation," to adequately prepare Claimant for receiving chess instruction in a group environment and playing chess in public tournaments. (Recon. Ex. T.) A flyer for Claimant's chess program notes that both group classes and private lessons are available. (Recon. Ex. A.)

28. Mother emphasized in the reconsideration hearing that services such as respite (RS), IHSS, and daycare (DC) are not social recreation activities. (These abbreviations are used in the calendar below.) In connection with the reconsideration hearing, Mother also submitted she what she asserts is a current version of Claimant's service calendar:

//

//

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
12 AM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
1 AM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
2 AM							
3 AM							
4 AM							
5 AM							
6 AM	DC	DC	DC	DC	DC		
7 AM	DC	DC	DC	DC	DC		
8 AM	DC	DC	DC	DC	DC		
9 AM	DC	DC	DC	DC	DC		RS
10 AM	DC	DC	DC	DC	DC		RS
11 AM	DC	DC	DC	DC	DC		RS
12 PM	DC	DC	DC	DC	DC		RS
1 PM	DC	DC	DC	DC	DC		RS
2 PM	DC	DC	DC	DC	DC		RS
3 PM	DC	DC	DC	Fit 4 Life	DC		RS
4 PM	PA	Chess PA	I & D PA	PA	PA		RS
5 PM	PA	Chess PA	I & D PA	PA	PA		RS
6 PM	PA	PA	PA	PA	PA		RS
7 PM	PA	PA	PA	PA	PA		RS
8 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
9 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
10 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS
11 PM	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS	IHSS

(Recon. Ex. U.) According to this calendar, Claimant appears to have 10 hours free on Saturdays to accommodate his participation in Inclusive if approved by NLACRC. Mother testified during the reconsideration hearing that Claimant receives 232 hours of IHSS per month. Although not stated explicitly, the apparent explanation for why this calendar only shows that Claimant receives 168 hours of IHSS per month is that the 64 hours per month Claimant receives in “indirect care/household support” funding from IHSS are not included because those are not direct supports for Claimant. (Ex. V, p. B64.) As this calendar is not a true reflection of all the services Claimant receives, it is accorded little evidentiary weight.

//

29. Claimant also submitted into evidence Claimant's PCP, which was created by Claimant and his Independent Facilitator in April 2025 in connection with Claimant's possible transition into SDP. The PCP claims Claimant has an "unmet need" in the area of community integration and that he has a personal goal of improving his community integration. (Recon. Ex. E, pp. B23, B32.) The PCP notes that Claimant needs "[i]nclusive, interest-based social recreation services three times per week (weekday/evening), plus full-day sessions three Saturdays per month." This latter service request appears tailor-made for Claimant's proposed participation in Inclusive.

Evaluation of Evidence

30. The additional evidence and testimony provided by the parties at the reconsideration hearing helped clarify the factual record in this matter. Claimant's IPP currently allows him to participate in three activities that can be characterized as social recreation: Instruction & Dragons, chess, and Fit 4 Life. These activities currently meet his IPP goals such that additional funding for social recreation activities is not justified.

31. Instruction & Dragons is a group-based activity that allows Claimant to interact with peers who share the same interest in tabletop gaming. Claimant participates in this program for two hours per week while the program is running, but there are occasional times when the program is not in session. Claimant's participation in Instruction & Dragons furthers his IPP goal of acquiring age-appropriate social skills to allow him to participate in meaningful, age-appropriate social relationships and activities with peers. Mother contends that, while Claimant enjoys participating in this program, it does not meet all his social recreation needs because it is indoors and thus is not a "public community experience[]" and is not "community-based." (Ex. CC, p. B54; Recon. Ex. K, p. B50.) But Mother's contentions as to the deficiencies in this program vis-à-vis Claimant's IPP are unsupported by the record. The fact that this

program occurs indoors does not necessarily mean that it is not a “public community” experience. The program allows Claimant to leave the privacy of home to participate in a group activity (for which there is no dispute he enjoys) with persons of similar age in Los Angeles County.

32. As with Instruction & Dragons, NLACRC funded Claimant’s chess instruction to facilitate his IPP goal of acquiring appropriate social skills and to participate in meaningful, age-appropriate activities with peers. Mother contends that because Claimant’s chess instruction now occurs on a one-to-one basis with the chess instructor, it is not a group program and does not facilitate community integration or peer interaction. (Ex. CC, p. B54; Recon. Ex. K, p. B50.) But as explained by Claimant’s chess instructor, Claimant initially took part in chess as a group activity, but the instructor determined that group participation was inappropriate for Claimant at the time. (Factual Finding 27.) NLACRC has been funding chess as a social recreation activity for Claimant with the understanding that his participation would help further his IPP goal of participating in programs with peers. The fact that Claimant’s chess instructor determined that at this time Claimant should take part in that activity on a one-to-one basis, rather than in a group, does not mean that this program does not afford Claimant the opportunity to interact with peers either now or in the future.

33. Finally, both parties have vigorously disputed whether Fit 4 Life can be characterized as a social recreation service. NLACRC does not dispute it approved funding for Fit 4 Life to facilitate Claimant’s IPP goal of physical fitness and weight management. Even so, NLACRC contends that his participation can also meet other IPP goals, such as meaningful, age-appropriate activities with peers while in the community, including while outdoors. (Factual Finding 18.) Conversely, Mother asserts Fit 4 Life is only funded to address Claimant’s health and fitness needs, and what is

more, he currently receives that service on a one-to-one basis, and thus it cannot provide Claimant with the opportunity for social recreation. (Recon. Ex. K, p. B50, Recon. Ex. V, pp. B62–B63.) But like with Claimant’s chess instruction, Claimant’s participation in Fit 4 Life initially occurred in a group setting, but his trainer determined that he would be better suited to receive that service on a one-to-one basis at this time. (Factual Finding 26.) Thus, as with chess, Fit 4 Life may provide Claimant with the opportunity for social interaction with peers in the community either now or in the future. Moreover, Claimant only participates in Fit 4 Life for one hour per week, despite being authorized to receive up to nine hours per week of this service (three hours per day, three times per week). (Factual Finding 7.)

34. Even assuming Claimant had proven his social recreation needs are not satisfied currently, an additional issue is whether the specific program he has proposed for funding would be appropriate under the circumstances. Services such as daycare, respite, IHSS, and personal assistance are clearly not social recreation activities. That said, the total amount of services a Claimant receives is relevant to whether a regional center should be ordered, under the Lanterman Act, to fund an additional service for a Claimant. NLACRC and IHSS both denominate the services they provide by the number of hours approved. Generally, a person cannot receive two services simultaneously. For example, if Claimant is receiving daycare services, he does not need to simultaneously receive IHSS protective supervision or respite care, because that need is provided by the daycare service.²

² An exception to this general rule is where personal assistance time is provided to help facilitate Claimant’s participation in other funded activities like chess and Instruction and Dragons, but this is a small amount of overlap in Claimant’s overall calendar of services he receives.

35. At the initial hearing, the weekly schedule of Claimant's services and activities showed he received services such as IHSS, respite, personal assistance, and daycare, for 20 hours every day, and the only hours he was not receiving any services were between the hours of 2:00 a.m. and 6:00 a.m., when presumably Claimant was asleep. (Factual Finding 19.) This left 28 total hours each week, between 2:00 a.m. and 6:00 a.m., for which Claimant was not receiving any services. Claimant's request to add Inclusive as a social recreation service would have added 10 hours of services to his schedule on three Saturdays per month, a day when he had only four remaining hours available in which he was not already receiving services and, again, presumably was asleep during.

36. Having the benefit of hearing the testimony at the first hearing and reviewing the previous Decision, Claimant submitted a new calendar of Claimant's services to NLACRC. (Factual Finding 21.) This new calendar reflected Claimant's change from four hours per week at Fit 4 Life to one hour per week and showed that he was receiving PA time simultaneously with chess and Instruction & Dragons. A large void was left on Saturdays, presumably to emphasize that Claimant could fit Inclusive into his schedule on Saturdays for 10 hours. But this void appears to have been created by shifting IHSS time such that, other than Saturdays, Claimant would receive services for 21 hours per day (up from 20 in the original calendar) every day of the week, except between 2:00 a.m. and 5:00 a.m., when, again, Claimant presumably sleeps. Even using this calendar, Claimant only has 29 total hours of a possible 168 hours per week, during which he is not receiving any services.

37. As noted above, it is also relevant that Claimant is authorized to receive up to nine hours per week of services at Fit 4 Life, but currently only avails himself of one hour per week of that service. (Factual Findings 7, 21.) Regardless of which

calendar is the true reflection of Claimant's use of services, when those additional funded hours are considered, there are approximately 20 to 21 hours per week, or 3 hours per day on average, in which Claimant has not been authorized to receive services.

38. Claimant is seeking to add 10 hours per week, for three weeks each month, to that service mix by adding Inclusive as a social recreation activity. But Claimant receives funding for up to 13 hours per week of activities that provide at least the opportunity for him to engage in social recreation (i.e., two hours of chess, two hours of Instruction & Dragons, and nine hours of Fit 4 Life). Claimant has not shown by a preponderance of the evidence that an additional ten hours each week of social recreation, which would leave him with just 10 to 11 hours each week in which he is not receiving any services at all, is necessary or justified at this time such that NLACRC's denial of funding for Inclusive was improper. Put another way, even assuming deficits exist in the social recreation services NLACRC provides for Claimant, he has not shown that the remedy for those deficits is funding an additional 30 hours of social recreation per month.

LEGAL CONCLUSIONS

The Lanterman Act

1. The Lanterman Act governs this case. (§ 4500 et seq.) The Legislature enacted the Lanterman Act 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.)

2. DDS is the state agency charged with implementing the Lanterman Act; DDS, in turn, contracts with private, non-profit community agencies called "regional centers" to provide developmentally disabled persons with access to the services and supports best suited to them throughout their lifetime. (§§ 4416, 4620.)

3. Under the Lanterman Act, an administrative proceeding, also known as a "fair hearing," is available to determine the rights and obligations of regional centers and claimants when claimants disagree with a regional center decision. (§§ 4700-4717.)

4. Claimant requested a fair hearing under the Lanterman Act, and thus, jurisdiction for this case was established. (Factual Findings 1-4.)

Standard and Burden of Proof

5. The party proposing a change in existing services or asserting a new claim holds the burden of proof in administrative proceedings. (See, e.g., *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388 [the law has "a built-in bias in favor of the status quo," and the party seeking to change the status quo has the burden "to present evidence sufficient to overcome the state of affairs that would exist if the court did nothing"].) The standard of proof for these proceedings is the preponderance of the evidence because no other law or statute, including the Lanterman Act, provides otherwise. (Evid. Code, § 115.) This standard is met when the party bearing the burden of proof presents 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.)

6. Here, Claimant bears the burden of proving by a preponderance of the evidence that he is entitled to receive funding for Inclusive as an additional social recreation service from NLACRC.

IPP Process

7. The determination of which services and supports are necessary for each regional center client is made through the IPP process with the regional center. (§ 4512, subd. (b).) This determination “shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by [IPP] participants, the effectiveness of each option in meeting the goals stated in the [IPP], and the cost-effectiveness of each option.” (*Ibid.*; § 4646, subs. (a), (b) [noting that the IPP is developed through an “individualized needs determination” that includes the client as well as their parents, guardians, or authorized representatives, and should reflect “the needs and preferences of the consumer, and, as appropriate, their family”].) These cost control measures are in place to conserve resources that must be shared by many consumers. (See, e.g., §§ 4640.7, subd. (b); 4651, subd. (a); 4659.)

8. The IPP process includes “[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities.” (§ 4646.5, subd. (a)(1).) This information gathering process allows the regional center to “identify and pursue all possible sources of funding for consumers receiving regional center services.” (§ 4659.)

9. The legislature places “a high priority on promoting the full inclusion and independence of individuals with developmental disabilities, including through opportunities for recreation.” (§ 4688.22, subd. (a)(1).) Thus, the legislature includes “social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music,” as “among the services and supports within the meaning of subdivision (b) of Section 4512” and provides that these services “be made widely available to consumers, not only for socialization, but to lead the lives that they want in the community.” (§ 4688.22, subd. (a)(2).) Regional centers cannot restrict social recreational, camping, and nonmedical therapy funding to those services “that are specialized or directed toward the alleviation of a developmental disability within the meaning of subdivision (b) of Section 4512;” cannot require that services “meet both a recreational and socialization need, or prohibit the purchase of one-on-one services, including private lessons;” and cannot “generally prohibit or disfavor purchase of these services.” (§ 4688.22, subd. (b)(4)(A)–(C).) The regional center must be guided by certain principles when purchasing social recreation services, including that the services “shall promote community inclusion by providing opportunities to build ongoing relationships through or around shared interests or activities” (§ 4688.22, subd. (b)(2).)

Analysis

10. Upon reconsideration, Claimant has not met his burden to show that NLACRC must fund his participation in Inclusive as a social recreational activity. The availability of social recreation activities is guided by the goals in Claimant’s IPP. (Legal Conclusions 7–9.) The IPP goal relevant here is Claimant’s acquisition of “appropriate social skills that allow him to participate in meaningful, age-appropriate social relationships and activities.” (Factual Finding 7.) According to Claimant’s IPP, this goal

was developed because he had “difficulty engaging in social settings with peers due to lack of interest[.]” (Factual Finding 5.)

11. Claimant receives funding from NLACRC for three weekly activities that give him the opportunity for social recreation in furtherance of that IPP goal: chess, Instruction & Dragons, and Fit 4 Life. This is true regardless of whether those services are characterized in Claimant’s IPP specifically as social recreation activities. All three activities allow Claimant to socialize with people outside of his home and while out in the community. Claimant participates in Instruction & Dragons as a group activity with peers. In the past, Claimant also received both chess instruction and Fit 4 Life services in a group setting. For various reasons, Claimant currently receives those two services on a one-to-one basis. Although the method of delivery of both those services is now one-to-one, that does not change those services’ character as social recreation activities. To find otherwise would permit regional center consumers to receive funding for a social recreation service, unilaterally change the method of delivery of that service without notice to the regional center, and then fault the regional center for not funding services to address the original need. The Lanterman Act does not support this conclusion.

12. Although Mother may be justified in her belief that Inclusive would be a beneficial social recreational activity for Claimant because it will address issues like safety awareness, teamwork, and self-advocacy, there was no evidence presented that these are goals currently mentioned in his IPP for which services must be provided. Indeed, although Mother asserted that Claimant has unmet needs such as an

“[i]nclusive, interest-based social recreation services three times per week” stated in his PCP, the PCP does not govern this dispute—only the IPP does.³

13. Ultimately, the issue here is not whether Claimant’s participation in Inclusive would assist his social recreation needs. There is little doubt that his participation in Inclusive, among a range of other programs, would help facilitate at least one of Claimant’s IPP goals. The issue is whether the services NLACRC currently funds give Claimant the opportunity to meet the goals in his IPP. Claimant has not met his burden to show by a preponderance of the evidence that they do not, such that adding an additional 30 hours of social recreation per month is appropriate.⁴

14. Although Claimant’s appeal will be denied, this Decision does not preclude Claimant from seeking funding from NLACRC for Inclusive as a social recreational activity in the future. The parties are free to discuss, as part of the IPP planning process, whether other services Claimant receives should be adjusted or modified such that funding Inclusive would be appropriate. (See Recon. Ex. 4.)

³ Mother also asserted that none of the IPPs in evidence aside from the March 2024 IPP are valid because signed copies of these documents are not in evidence. While true that IPPs should be signed by the parties (see § 4646, subd. (i)), section 4646 also allows parties to designate areas of disagreement within an IPP, and the lack of a signed IPP or designation of areas of disagreement does not prevent the regional center from providing other services that are otherwise agreed to. (See § 4646, subd. (g)-(i).) There appears to be no dispute that Claimant agrees with NLACRC’s funding of chess, Instruction & Dragons, and Fit 4 Life.

⁴ As this appeal has been resolved on grounds that funding for Inclusive would be a duplication in services, it need not be decided whether NLACRC other grounds for denial, such as availability of generic resources or Mother’s potential conflict of interest, could also be a sufficient basis to deny funding for this service.

ORDER

Claimant's appeal is denied.

DATE:

TAYLOR STEINBACHER

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.