

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

In the Matter of:

CLAIMANT

and

CENTRAL VALLEY REGIONAL CENTER, Service Agency

DDS No. CS0030059

OAH No. 2025090275

DECISION

Administrative Law Judge Patrice De Guzman Huber, Office of Administrative Hearings State of California, serving as a hearing officer, conducted a fair hearing on October 23 and November 17, 2025, by videoconference from Sacramento, California.

Jacqueline Molinet, Fair Hearing Representative, represented Central Valley Regional Center (CVRC).

Claimant was represented by claimant's mother. Claimant was not present at the hearing.

Evidence was received, the record closed, and the matter submitted on November 17, 2025.

ISSUE

Whether CVRC must fund Applied Behavioral Analysis (ABA) therapy provided to claimant by Maverick Center for Dyslexia (Maverick).

FACTUAL FINDINGS

1. Claimant is 11 years old. He has a qualifying diagnosis of autism spectrum disorder (ASD) and has been receiving regional center services from CVRC since 2018. Claimant lives with his parents in Coarsegold, California. He attends Maverick, a private school for students with dyslexia and non-traditional learners.

Claimant's Request and CVRC's Denial

2. Claimant asked CVRC to fund ABA therapy provided by Maverick. Claimant's mother provided letters by Patrick Shea, M.D., claimant's psychiatrist, and Jennifer Lynn Johnson, M.D., his pediatrician. Dr. Shea's letter indicates claimant's diagnoses include ASD and attention deficit/hyperactivity disorder. In his opinion, claimant "would benefit a great deal from part-time behavior supports" provided by Maverick. Similarly, Dr. Johnson's letter states she believes claimant would benefit from behavior intervention services for approximately two to four hours per week to prevent regression.

3. Claimant's mother also provided CVRC a Maverick flyer detailing its behavior intervention services. According to the flyer, Maverick provides "Behavioral Support [*sic*]," teaches social skills, and utilizes "Evidence[-]Based Practices." The program is "managed by a Board-Certified Behavior Analyst (BCBA)," and the services are "delivered by trained Behavior Coaches and Specialists." To avail of the behavior

intervention services, Maverick requires a minimum of two hours per session at \$200 per hour.

4. Melissa Beal, program manager at CVRC, testified. As program manager, Ms. Beal oversees 12 service coordinators, including Sarah Rea, claimant's service coordinator at the time of claimant's request. When Ms. Rea received claimant's request, she consulted with Ms. Beal. Mses. Rea and Beal reviewed the letters by Drs. Shea and Johnson and the Maverick flyer. Ms. Beal testified that CVRC is willing to fund behavior intervention services for claimant, but the provider must be a vendor. Maverick is not a vendor. Ms. Beal acknowledged that finding a vendor that serves the Coarsegold area is difficult.

5. Shelley Celaya, CVRC's director of case management, testified. She oversees three assistant directors and six to eight program managers, including Ms. Beal, who each supervises 10 to 13 service coordinators serving a total of approximately 18,000 clients. Ms. Celaya decided to deny claimant's request based on Maverick not being a vendor and a lack of information on Maverick's program. Maverick's flyer did not include information on the scope of its services or the insurance it accepts, and the price indicated is higher than the rates set by the Department of Developmental Services. However, Ms. Celaya is willing to agree to fund ABA therapy for claimant, so long as services are provided by a vendor.

6. Mses. Beal and Celaya consulted Kares Taylor, CVRC's BCBA, to help locate an ABA vendor for claimant. Ms. Taylor testified. As CVRC's BCBA, she makes referrals to ABA providers and consults with ABA vendors. Ms. Taylor reviewed claimant's records, including his exit report from a previous ABA provider and his Individual Program Plan (IPP). She opined claimant would benefit from a specific type of ABA therapy, functional behavior services (FBS). Ms. Taylor also reviewed Maverick's

flyer and spoke with Maverick's founder, Kelly English. However, Ms. Taylor was unable to determine whether Maverick's program is an actual ABA therapy program or only incorporates ABA therapy principles, much less whether Maverick can provide FBS.

7. Nonetheless, because Maverick is not a vendor, Ms. Taylor searched for a vendor that can provide FBS to individuals of claimant's age and location and that accepts his insurance. She identified T & K Innovators (T & K) as a potential provider. T & K uses a hybrid model that includes in-person sessions one to two times per month and virtual sessions as well. T & K has not yet evaluated claimant's case.

8. On September 4, 2024, CVRC officially denied claimant's request and issued a Notice of Action (NOA). The reasons for denial listed in the NOA are: (1) Maverick's behavior intervention program is not "a treatment directed toward the alleviation of a developmental disability"; (2) Maverick's program is not administered or supervised by a licensed BCBA; (3) the scope of Maverick's program's services are unclear; and (4) Maverick is not a CVRC vendor. On September 5, 2025, claimant appealed the denial and requested a fair hearing.

Claimant's Assessments

9. On September 24 and October 17, 2025, Raul Tejeda, a licensed psychologist, conducted a psycho-educational consultative assessment of claimant, upon claimant's mother's request. He authored a report summarizing his assessment. He testified at hearing consistently with his report. Mr. Tejeda's practice is focused on evaluation, not treatment. He has experience evaluating children with disabilities, including regional center clients and applicants. He observed claimant at home and at school. He ultimately opined that claimant needs "supports across home, community, and educational settings." He testified claimant would benefit from learning how to

generalize skills, which is the ability to appropriately apply learned skills across different settings.

10. Between October 1 and 19, 2025, Nickie Gael, a BCBA, conducted a functional behavior assessment (FBA) of claimant, upon claimant's mother's request. She authored a report summarizing her assessment. She testified at hearing consistently with her report. She has been a BCBA for approximately six years. She has her own practice and is also a contractor BCBA for Maverick.

11. Ms. Gael conducted claimant's FBA on behalf of Maverick. She virtually observed claimant and interviewed his parents and school personnel. She opined that claimant "continues to present with skill deficits in the areas of perspective taking, flexibility, engaging in non-preferred tasks, generalization [of] skills across settings and people, problem-solving, and social engagement." She believes Maverick's behavior intervention program, which would include sessions at school and at home, would benefit claimant because of the opportunity for generalization across settings.

Maverick's Program

12. Ms. Gael is the BCBA that oversees Maverick's behavior intervention program. In that capacity, she supervises a behavioral therapist and a registered behavioral therapist who are on-site at Maverick. Ms. Gael is not on-site and manages the program remotely. No student has yet participated in Maverick's program.

13. Ms. English testified. She founded Maverick 12 years ago and describes it as a "behaviorally based school." She is currently working toward becoming a BCBA. Once she completes three more classes, she will be eligible to take the BCBA exam.

14. Ms. English is interested in Maverick becoming a vendor with CVRC. She has been meeting and corresponding with CVRC staff to learn about the vendorization process. She believes Maverick's behavior intervention program would fall under service codes 612, behavior analyst, and 615, behavior management assistant, under California Code of Regulations, title 17, section 54342, subdivisions (a)(11) and (12).

15. Aaron Olson, CVRC's director of community services, testified. He oversees resource development and, among other things, facilitates the vendorization of prospective vendors to provide services and supports to CVRC's clients. On October 21, 2025, Mr. Olson met with Ms. English, and she expressed an interest in Maverick becoming a vendor providing behavior coaching and social skills training. The vendorization process requires completion of documents as laid out in CVRC's checklists for behavior coaching and social skills training vendorization.

16. In October 2025, CVRC sent Ms. English the documents required to complete the clinical portion of the vendorization process for behavior coaching and social skills training. Ms. English found the documents "quite exhaustive." On November 10, 2025, she asked CVRC for an alternative list of requirements to essentially fast-track Maverick's vendorization. CVRC explained the same list of requirements apply to all prospective vendors providing behavior coaching and social skills training. Ms. English has not returned any completed documents. Maverick has not begun the vendorization process.

Additional Testimony and Evidence

17. Claimant's mother testified. She explained that claimant struggles with generalization. Othon A. Gurrola, claimant's respite worker, also testified. He is a

behavior specialist. He confirmed that claimant is “rigid” and finds generalization “challenging.”

18. Claimant’s mother testified that claimant thrives when receiving ABA support. Claimant has received ABA therapy for a total of approximately five and a half years. After one of the times claimant graduated from ABA therapy, he experienced severe regression such that his family considered whether he would be unsafe to stay in the family home.

19. To prevent another regression, prior to claimant’s graduation in February 2025, claimant’s mother began seeking ABA therapy for a few hours per week to support claimant after graduation. She contacted a number of providers with no success, because they either do not serve the Coarsegold area or require a minimum number of hours that exceeds what claimant’s mother believes claimant needs. Claimant’s mother asked CVRC to assist in identifying a provider. However, CVRC has also been unsuccessful.

20. When claimant’s mother learned that Maverick has a behavior intervention program, she became interested. Particularly appealing is Maverick’s access to school and home, which would assist claimant’s generalization of skills across settings. Claimant’s mother believes Maverick is unique because of its access and is best suited to help claimant with generalization.

21. In claimant’s mother’s opinion, T & K would be inadequate for claimant’s needs. After the first day of hearing, she contacted T & K to learn more about its program. Claimant’s mother believes T & K’s hybrid model of in-person and virtual sessions would not suffice because claimant needs “a physical body” to best receive instruction. Additionally, T & K would not have the ability to provide sessions at

school, which claimant's mother believes would hinder generalization. For these reasons, claimant's mother declined to permit CVRC to schedule an assessment by T & K. She is also concerned that claimant would be "overly assessed" if he undergoes another assessment.

22. Claimant's mother believes CVRC can reimburse her for services provided by Maverick's program. To support her belief, she testified she is presently receiving reimbursement for behavioral intervention services provided to another CVRC client who resides in her home. Those services are provided by BFree Behavioral Solutions (BFree), an ABA therapy provider. At hearing, claimant's mother provided invoices showing BFree services for which CVRC reimbursed her.

23. Mr. Olson reviewed the invoices and reimbursement documents claimant's mother provided. He testified that BFree was near completion of the vendorization process at the time claimant's mother began receiving reimbursement. According to Mr. Olson, Welfare and Institutions Code section 4648, subdivision (a)(3)(B), allows CVRC to reimburse an individual when a prospective vendor is going through the vendorization process and is near completion. Mr. Olson contrasted BFree's case with Maverick, which has not even begun the vendorization process.

Analysis

24. It is undisputed that claimant will benefit from ABA therapy. CVRC is willing to fund such therapy so long as it is provided by a vendor. It is also undisputed that Maverick is uniquely situated in that it has access to claimant at school and would have access to him at home, if claimant participates in Maverick's behavior intervention program. However, Maverick is not a vendor. While Ms. English expressed an interest in Maverick becoming a vendor, Maverick has not begun the vendorization

process. Nevertheless, the determination of whether Maverick is qualified to become a vendor is beyond the scope of the fair hearing and this Decision.

25. CVRC can fund only services provided by vendors. (Welf. & Inst. Code, § 4648, subd. (a)(3).) Because Maverick is not a vendor, CVRC cannot fund claimant's ABA therapy through Maverick. Additionally, because Maverick has not begun the vendorization process or entered into a contract with CVRC, CVRC cannot reimburse claimant's mother for Maverick's services. For these reasons, claimant's request is appropriately denied. Relatedly, his appeal must also be denied. However, claimant may renew his request if and when Maverick becomes a vendor with CVRC.

LEGAL CONCLUSIONS

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) Under the Lanterman Act, the State of California accepts responsibility for persons with developmental disabilities. The Lanterman Act "seeks to integrate developmentally disabled Californians into mainstream life and to ensure they are accorded equal access to programs receiving state funds." (*Tri-Counties Association for Developmentally Disabled, Inc. v. Ventura County Public Guardian* (2021) 63 Cal.App.5th 1129, 1137; see also Welf. & Inst. Code, §§ 4501 & 4502.)

2. An administrative "fair hearing" to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code, §§ 4700–4716.) The burden of proof is on the party seeking government benefits or services. (*Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) Claimant has the burden of proving that CVRC must fund ABA therapy provided by Maverick. The standard of proof required is a preponderance of the evidence. (Evid.

Code, § 115.) A preponderance of the evidence means proving something is more likely to be true than not true. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

3. The purchase of services or supports for a consumer must be pursuant to vendorization or a contract. (Welf. & Inst. Code, § 4648, subd. (a)(3).) "Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service." (*Id.* at subd. (a)(3)(A).) A regional center may reimburse an individual for services or supports if the individual: (1) is providing services pursuant to an emergency vendorization; (2) has completed the vendorization process; or (3) has entered into a contract with the regional center and continues to comply with the vendorization or contracting requirements. (*Id.* at subd. (a)(3)(B).)

4. Maverick is not a vendor and has not begun the vendorization process. Although there is no dispute that claimant would benefit from ABA therapy, CVRC cannot fund Maverick's services or reimburse claimant's mother for those services. Consequently, claimant's request and appeal must be denied. However, claimant may renew his request if and when Maverick becomes a CVRC vendor.

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ORDER

Claimant's appeal is DENIED. Central Valley Regional Center's denial of claimant's request is SUSTAINED.

DATE: November 25, 2025

PATRICE DE GUZMAN HUBER
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 a 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.