

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

In the Matter of:

CLAIMANT

and

NORTH BAY REGIONAL CENTER, Service Agency.

DDS No. CS0030149

OAH No. 2025090607

DECISION

Administrative Law Judge Sara B. Tosdal, State of California, Office of Administrative Hearings, serving as an independent hearing officer, heard this matter on January 23, 2026, by videoconference.

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

Alexandra Evans represented North Bay Regional Center (NBRC), the service agency.

At the conclusion of the hearing, the record remained open and the matter was continued for the submission of additional documents. The record closed and the matter was submitted for decision on February 2, 2026.

ISSUE

Is claimant eligible under the Lanterman Developmental Disabilities Services Act (Lanterman Act) for services from NBRC?

FACTUAL FINDINGS

Background

1. Claimant is approximately seven years old and lives with his parents and older brother.

2. Claimant was diagnosed with Autism Spectrum Disorder (autism), a chronic lifelong condition, in February 2024 by a school psychologist during an assessment for special education services. The parties agree that claimant has autism and is substantially disabled in the areas of self-care and self-direction, that no evidence presently shows him to be substantially disabled in mobility or receptive and expressive language, and that claimant is too young for meaningful evaluation with respect to economic self-sufficiency or capacity for independent living. The dispute here is whether claimant's autism causes substantial disability for him in learning.

Eligibility Determination and Appeal

3. NBRC conducted an initial intake assessment on September 27, 2024, when claimant was five years and nine months old. The Intake Assessment Counselor, Suzette Soviero, M.S., found it was “unclear” whether claimant was eligible for regional center services at the time, and recommended “a comprehensive clinical evaluation” and case review to confirm the autism diagnosis. Melanie Johnson, Ph.D., conducted a psychological evaluation on October 15, 2024. Dr. Johnson issued a written report on January 29, 2025, finding that claimant met the criteria for autism. Dr. Johnson’s report also described claimant’s difficulties at the time, including sensory challenges, difficulty transitioning between activities, repetitive self-play and commentary, “gaps in his capacity to read and respond to social cues,” and a continuing need for special education services.

4. Guadalupe Lopez, the intake department manager at NBRC, testified at hearing that claimant had been denied eligibility because he did not demonstrate substantial disability in a third area of major life activity. She further testified that in assessing substantial disability in learning, NBRC reviews how much time a claimant spends with supports and whether a claimant shows “challenges” in more than one academic area. Claimant did not meet these criteria at the time. NBRC also considers a claimant’s learning “trajectory,” and whether a claimant is progressing.

Initial Assessments and Supports

5. Claimant was initially assessed for special education services when claimant was five years old and in preschool. He was found eligible primarily due to autism, which was diagnosed during that assessment, and secondarily for speech-language impairment.

6. Claimant's initial assessment determined that his communication skills were in the 8th percentile, or below average, and required significant support. The school psychologist determined that his cognitive literacy scores were in the 16th percentile, equivalent to those of a four year and four month old. During the assessment, claimant had difficulty with "phonological awareness," identifying rhyming words, and following directions for blending and segmenting words. His cognitive math scores were lower, in the 13th percentile, equivalent to a three year and four month old.

7. Claimant has been on an Individualized Educational Program (IEP) since then. Initially, claimant was to receive 240 minutes per week of specialized academic instruction and 240 minutes per week of language and speech instruction in a separate classroom for the first four to five months. For the remainder of the 2024–2025 IEP, these services were to be reduced to 30 minutes per week in his regular classroom.

Progress in Learning

8. Claimant is now in first grade. He is in general education classes in a Spanish-language immersion school, with special education supports.

9. Claimant's IEP was not re-evaluated until December 2025, by which time claimant's needs had increased. Under the current IEP, claimant is to receive 125 minutes per week of specialized academic instruction in his regular classroom; 30 minutes per week of language and speech instruction in his regular classroom; and an additional 30 minutes per week for other special education services. Some of these supports are provided in a small group setting within the classroom. The IEP also requires that claimant be given a separate setting for assessments.

10. In addition to supports at school with his IEP, claimant's parents spend "hours" working with him on reading and related exercises each night.

11. Despite claimant's supports, claimant's progress in learning has declined. School test results show that he is now well below benchmarks in reading, articulation, and language pragmatics. His reading deficits include decoding words, naming letters, and identifying "sight words" in both English and Spanish. For example, midway through first grade, he can identify only three out of 25 sight words in English; by the end of the school year, first graders such as claimant are expected to know around 90. His English literacy skill test scores show that his phonemic awareness has decreased between the initial assessment in September 2025 and the mid-year assessment in January 2026. Claimant's decoding of words and sounds has not significantly improved in that time either; he remains well below benchmarks. Although his "[a]ccurate and [f]luent [r]eading" scores have improved in English, claimant memorizes words rather than learning or comprehending them. As of January 2026, his Spanish-language scores were well below benchmarks in decoding as well. Claimant's fluency was not assessed given his lack of progress to date.

Other Matters

12. Claimant attended Applied Behavioral Analysis (ABA) therapy sessions over Zoom for approximately a year and a half. His progress plateaued, however, and his parents are looking for a new provider to continue ABA therapy in person in the hopes that progress can resume. He continues to need speech therapy.

13. Claimant's parents believe that other children at school help claimant, but he is not actually learning. Claimant's parents have not observed any improvement in claimant's reading despite their efforts with him at home.

14. Regarding receptive and expressive language, claimant struggles to engage in reciprocal conversations and tends to speak only about his own interests, which claimant's parents credibly testified to be a significant challenge at home. Additionally, claimant engages in echolalia and gets "locked into a loop" instead of engaging in a two-way conversation. Claimant can repeat a story after hearing it but does not understand the meaning of it.

15. Claimant's school records show that he has also struggled with "environmental changes and routine transitions," which "adversely affects his educational experience." He struggles to understand others' perspectives. Additionally, claimant continues to have challenges with his social relationships. Claimant's parents also must repeat directions to him multiple times. Claimant's difficulties with communication "have a significant adverse impact on . . . [his] academic skills."

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4500 et seq.) The purpose of the Lanterman Act is to rectify the problem of inadequate treatment and services for the developmentally disabled, and to enable developmentally disabled individuals to lead independent and productive lives in the least restrictive setting possible. (*Id.*, §§ 4501, 4502.) Lanterman Act services are provided through a statewide network of private, nonprofit regional centers, including NBRC. (*Id.*, § 4620.)

2. To qualify for regional center services, claimant bears the burden of establishing by the preponderance of the evidence that (1) he suffers from a

developmental disability and (2) he is substantially disabled by that developmental disability. (*Id.*, §§ 4501, 4512, subd. (a).)

3. Qualifying "developmental disabilities" under the Lanterman Act include "intellectual disability, cerebral palsy, epilepsy, and autism." (*Id.*, § 4512, subd. (a).) They also include "disabling conditions found to be closely related to intellectual disability, or to require treatment similar to that required for individuals with an intellectual disability." (*Id.*) The "developmental disability" must originate before the person turns 18 and must be lifelong. (*Id.*)

4. A qualifying disability must be "substantial," meaning that it causes, as determined by a regional center and appropriate to the person's age, "significant functional limitations in three or more areas of major life activity." (*Id.*, § 4512, subds. (a), (1)(1); see also Cal. Code Regs., tit. 17, § 54001, subd. (a)(2).) Those areas are self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency. (Welf. & Inst. Code, § 4512, subd. (1)(1).) Capacity for independent living and economic self-sufficiency are generally not considered for a person of claimant's age.

5. Claimant has the eligible condition of autism, which is expected to be lifelong; is under the age of 18; and has significant functional limitations in the two areas of major life activity of self-care and self-direction. On this record, claimant also has significant functional limitations in the area of learning. Despite supports, claimant has not improved specifically in reading, both in English and Spanish, and his need for interventions and therapies is increasing. Claimant's challenges in other areas, particularly with transitions, communication, and reciprocal conversations, impair claimant's ability to learn as well.

6. NBRC asserted at hearing that it generally determines substantial disability in learning by looking at the amount of time spent with supports and whether a claimant shows deficits in more than one academic area. There was no authority provided for establishing these thresholds. NBRC's website states that "[t]he individual must be substantially impaired in the ability to acquire and apply knowledge or skills to new situations even with special intervention" to be substantially disabled in this area. A preponderance of evidence shows that the amount of time claimant needs with supports has increased over time, that claimant is not progressing in the areas of reading and languages, and that claimant is substantially impaired even with interventions.

7. Because the evidence establishes significant functional limitations in the third area of major life activity of learning, claimant is eligible for NBRC services.

ORDER

Claimant's appeal is granted. Claimant has established eligibility under the Lanterman Act for NBRC services.

DATE:

SARA B. TOSDAL
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.