

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS Case No. CS0030345

OAH No. 2025090730

DECISION

Administrative Law Judge Frances M. Valdez, State of California, Office of Administrative Hearings, heard this matter on December 5, 2025, by videoconference.

Claimant was represented by his mother. Claimant was not present at the hearing.

Esmeralda Rivera, Appeals Resolution Specialist, represented San Andreas Regional Center (SARC), the service agency.

The record was held open to allow claimant's representative to submit additional documents, to allow SARC to submit a response, and to allow SARC to submit English versions of certain documents. Claimant submitted additional

documents which were marked and admitted as exhibits N and O, and SARC's timely response was marked for identification as exhibit 25. SARC submitted English versions of documents which were marked and admitted as exhibits 23 and 24. The record closed and the matter was submitted for decision on January 23, 2026.

ISSUE

Did the SARC improperly deny a third assessment of claimant for regional center eligibility under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code,¹ § 4500 et seq.)?

Introduction

1. Claimant was 17 years old at the time of hearing and resides at the family home with his mother, stepfather, and siblings. In 2025, claimant's mother requested an eligibility assessment for claimant with SARC under the eligibility category of autism.

2. On August 13, 2025, SARC sent claimant's mother a letter and issued a notice of action, denying an evaluation for services under the Lanterman Act, and contending that after SARC's clinical review, the information presented did not support a claim of substantial disability.

3. Claimant's mother filed an appeal request and this hearing followed.

¹ All statutory references are to the Welfare and Institutions Code, unless otherwise stated.

Previous Assessment by SARC in 2017

4. In 2017, when claimant was nine years old, he was referred to SARC by his mother who sought regional center eligibility under the category of intellectual disability and under the fifth category.

5. SARC conducted an intake social assessment in September 2017. Regarding his current functioning, claimant's mother reported that he had no fine or gross motor issues, spoke in simple sentences to communicate his basic wants and needs, played best with younger children, frustrated easily, and was easily distracted. Claimant could feed and dress himself, but needed assistance with setting the water temperature for his bath and reminders to brush his teeth.

6. In November 2017, psychologist Ubaldo F. Sanchez, Ph.D., conducted a psychological evaluation of claimant and wrote a report. Dr. Sanchez reviewed claimant's history, conducted a mental status examination, and administered the Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V). Dr. Sanchez requested that claimant's mother complete the Adaptive Behavior Assessment System, Third Edition (ABAS-3); however, she did not return the questionnaire. Dr. Sanchez wrote that claimant was in a fourth grade special day class, and was reportedly functioning below grade level. Claimant scored in the lower limits of the average range of measured intelligence on the WISC-V. Dr. Sanchez diagnosed claimant with: Language Disorder; Specific Learning Disorders with Impairments in Reading, Mathematics, and Written Expression, all moderate; and Disruption of Family by Separation or Divorce. Dr. Sanchez found that claimant's cognitive strengths were in tasks measuring the capacity for sustained effort, attention, concentration and mental efficiency; and mental and non-motor construction ability. His relative cognitive weaknesses were in tasks measuring general verbal intelligence. Claimant was mildly impaired in his ability

to communicate by understanding, initiating, and using language; and his ability to understand and respond to increasingly complex requests. He was not impaired in his ability to socially integrate with others in an age-appropriate manner and his ability to engage in and sustain an activity for a period of time. Dr. Sanchez wrote that claimant needed to remain in special education for the foreseeable future.

7. SARC Licensed Clinical Psychologist Joshua Heitzmann, Ph.D., prepared a psychological summary dated January 17, 2018. Dr. Heitzmann did not meet with claimant but reviewed records, including the psychological evaluation conducted by Dr. Sanchez. Dr. Heitzmann noted there is no history of autism spectrum disorder, epilepsy, or cerebral palsy. Dr. Heitzmann wrote that claimant's scores on tests and assessments indicated a learning disorder rather than any impairment with intellectual functions. Claimant had consistent scores within the average range in a nonverbal IQ test and the WISC-V. Dr. Heitzmann acknowledged that claimant was diagnosed with Specific Learning Disorders with impairments in reading, mathematics, and written expression, however, he noted that these disorders are not diagnoses that are served by SARC and do not qualify as a developmental disability under the Lanterman Act. Dr. Heitzmann opined that claimant did not meet the eligibility criteria under the Lanterman Act for services at that time.

8. SARC sent an undated letter to claimant's mother stating that claimant did not meet the eligibility criteria for services from SARC because claimant's diagnoses are not considered developmental disabilities. Claimant did not meet the criteria in his intellectual functioning and adaptive functioning to make him eligible under the category of intellectual disability. The letter stated that there was no data suggestive of a condition that requires treatment similar to that needed for intellectual

disability or that is similar to intellectual disability. SARC determined that any issues with his adaptive skills were because of his learning disability and language disorder.

Previous Assessment by SARC in 2022

9. In January 2022, when claimant was 14 years old, claimant's mother contacted SARC to request services for him under a diagnosis of autism.

10. A SARC intake coordinator met with claimant and his mother and prepared an intake social assessment. Claimant actively participated in the assessment, provided appropriate eye contact, answered questions appropriately and correctly, spoke with a clear voice and was understood, and reported doing well in school. He talked about his friends at school and what they do for fun. Claimant appeared to look at his mother before answering questions. The SARC intake coordinator reported that claimant is verbal, can express his needs and wants effectively, performs well in school, is semi-independent with personal care tasks, and attends general education classes 98 percent of the time.

11. SARC psychologist, Emilie Cate, Ph.D., prepared an eligibility report dated May 2, 2022. Dr. Cate conducted a comprehensive review of claimant's intake social assessment, medical records, education records, and other documents. A medical record showed an autism diagnosis on July 14, 2021, but Dr. Cate noted that there was no information regarding evaluation procedures, testing methods, or the name of the provider conducting the evaluation or assigning the diagnosis. Dr. Cate asked claimant's mother and teacher to complete the ABAS-3, but was unable to interpret the teacher's scores due to items being left blank. However, Dr. Cate noted "significant discrepancies" in items the teacher reported claimant is "always able" to do, in contrast to claimant's mother's report that claimant is "not able" to do those same items.

Claimant's teacher reported that he is always able to shake his head "yes" or "no" and say "hello" or "goodbye," while claimant's mother reported he was "not able" to communicate in those ways. Dr. Cate opined that claimant's mother's ABAS-3 scores do not appear to accurately reflect his skills or abilities in daily life activities. Based on her review, Dr. Cate opined that "no evidence has been provided that demonstrates [claimant] is substantially disabled in three or more areas of major life activities, across multiple settings, and as a direct result of a qualifying developmental disability."

12. On May 2, 2022, SARC issued a denial letter based on the lack of evidence of substantial disability in three or more areas of major life activities. The letter noted that claimant qualifies for special education services under the primary educational category of autism and secondary category of Specific Learning Disability. SARC issued a notice of proposed action on May 16, 2022, denying eligibility for services.

Claimant's Additional Evidence

13. Claimant's mother testified at hearing. Claimant was diagnosed with impairments as a young child and since then has received services and therapies, including ABA therapy and school district support through an Individual Education Program (IEP). She reiterated claimant's autism diagnosis and believes he needs support regarding communication and language.

14. Claimant's sister testified at hearing. She acknowledged that claimant exceeds academically and "graduated from his IEP," but he experiences struggles in his daily living. She described claimant's struggle to follow simple instructions such as what to say to an employee at a store or remembering the pin number to a debit card. Claimant needs to be reminded to bathe himself. He struggled to complete his name

on a college application, and put his last name in the designated space for his middle name. Claimant's sister testified that during the hearing claimant texted her to confirm their home address, but he only included the street number and name, he did not include the city or state. Claimant's sister is concerned about his adaptation after high school and that he is unsure of what he wants for his future.

MEDICAL RECORDS

15. Claimant submitted medical records from 2011 through 2025 that show diagnoses of autism disorder, cognitive developmental delay, and speech/language delay. The medical records demonstrate claimant's mother's ongoing concern with his development.

16. A document dated April 20, 2017, from Laurel Internal Medicine Clinic sets forth the following diagnoses for claimant: difficulty following instructions, cognitive developmental delay, victim of physical bullying in pediatric patient, and language disorder involving understanding and expression of language.

SCHOOL RECORDS

17. Claimant submitted a document that appears to be written by school psychologist Christine Vitale when claimant was six years old. The document states that claimant is delayed in all areas of curriculum. Claimant's non-verbal intellectual ability, visual motor integration, and visual processing skills fell within the average range. Claimant's auditory processing was significantly delayed. The document states that there is a significant discrepancy between claimant's ability and achievement, which is indicative of a learning disability.

18. Claimant submitted notes from his triennial IEP meeting on September 4, 2020, which noted claimant attended and participated in class regularly, he completed his work, participated in small groups, communicated if he needed help, tried to understand word problems, and completed work to the best of his ability. Claimant's mother was concerned about his speech and noted that a specialist requested a psychological assessment. Claimant's goals were not met due to school closures. Claimant was participating in general education for 99 percent of his time in an educational setting. His accommodations were a seat far from distraction or near a positive peer, frequent checks for understanding, simple repetitive directions, acceptance of late assignments, and use of notes on tests. Claimant was enrolled in 40 minutes of co-taught English and language arts (ELA) and 40 minutes of co-taught mathematics.

19. Claimant submitted notes from an IEP meeting on May 21, 2021, after claimant's mother requested assessments for communication and autism. Claimant's teacher reported that he was "engaged the whole year" through distance learning and "unmutes to greet teachers, participates when asked and completes his work on time." There were no academic concerns. Claimant's family was concerned about claimant's progress in school and he often needed help and reminders for doing basic tasks. Through in-person assessments, the IEP team determined that claimant had strong indicators of autism and qualified for communication services. In addition to 40 minutes of ELA and mathematics support, he would receive communication services for 90 minutes per month.

20. Claimant's IEP dated August 23, 2022, notes that he is eligible for special education primarily under autism and secondarily under Specific Learning Disability. Claimant is described as a "kind and respectful student" who "appears to be adapting

well to high school." Claimant's mother was concerned about his classes and ability to be successful in a mainstream setting. Claimant was in a general education environment 98 percent of the time. He received instruction and support in ELA and mathematics once weekly and monthly speech services. Claimant plays football and it was shared that claimant "is very detailed and descriptive when it comes to his writing." Claimant was earning all "A" grades and was "motivated to do well and aspires to earn his diploma." The IEP team found that the areas of gross/fine motor development, social emotional/behavioral, adaptive/daily living skills, were not areas of need. Claimant's communication services were reduced to 60 minutes per month, which claimant's mother agreed to.

21. Claimant's 504 Education Plan, dated January 9, 2024, shows that he receives the following accommodations: extended time to complete assignments and projects, ability to take quizzes and tests in alternative settings and have additional time, ability to take short breaks when needed, and allowed to visit the school counselor when needed.

ABA THERAPY RECORDS

22. In a CSD Autism Services initial assessment and treatment recommendation for autism services, dated July 28, 2021, it was recommended that claimant participate in a behavioral health program for 6 hours per week. In a summary of findings, claimant is described as "open to trying new things" and "flexible to simple changes in his routine." He was observed participating in turn-taking games, and independently responded to questions related to his preferred interests. He independently responded to scenario-based questions regarding community safety. Despite having an "extensive vocabulary" claimant frequently responded to questions with "I don't know." He consumes a limited number of foods, does not act when

expected in stressful or community situations, and prefers to play alone. Claimant's mother reported that he plays with his younger sister, but the play is not age appropriate.

23. Claimant submitted a CSD Autism Services Progress Report dated January 18, 2024, however, only 3 of 32 pages were submitted. The pages that were submitted summarized the results of the Vineland-3 evaluation that was completed by claimant's mother. The overall level of adaptive functioning was well below the normative mean, the communication domain was a weakness for claimant, and the daily living skills were a relative strength for claimant.

DIAGNOSTIC EVALUATION

24. On May 22, 2025, Licensed Psychologist Uvaldo H. Palomares, Ed.D., conducted a comprehensive diagnostic evaluation of claimant and wrote a report. Claimant was referred to him for a diagnostic clarification of probable Autism Spectrum Disorder (ASD). Dr. Palomares conducted a clinical interview with claimant's mother using the Autism Diagnostic Interview, Revised (ADI-R), and she completed a Gilliam Autism Rating Scale, Third Edition (GARS-3). Dr. Palomares also observed claimant via videoconference. In his report, Dr. Palomares wrote that claimant "presents with a self-absorbed affect in his own little world" and engaged in self-motivated activities that were not inclusive of other individuals. Dr. Palomares wrote that claimant displayed many of the social interaction behaviors that demonstrated autistic characteristics, without further explanation. The findings of the ADI-R were elevated for autism with scores above the specified autism cutoff in all four domains. Claimant's mother's ratings on the GARS-3 was indicative of a "very likely" probability of ASD. Dr. Palomares diagnosed claimant with ASD, level 2, requiring substantial support, with accompanying speech or language impairment, and without cognitive

impairment. Dr. Palomares recommended treatment with ABA therapy and services. Dr. Palomares' report did not address claimant's functional limitations.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. (§ 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. (§§ 4501, 4502; *A.R.C. v. Dept. of Developmental Services* (1985) 38 Cal.3d 384.)

2. A developmental disability is a disability that originates before an individual attains age 18, is likely to continue indefinitely, and constitutes a substantial disability for that individual. (§ 4512, subd. (a)(1); Cal. Code Regs., tit. 17, § 54000, subd. (b).) The term "developmental disability" includes intellectual disability, autism, epilepsy, cerebral palsy, and other "disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability." (§ 4512, subd. (a)(1).)

3. 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).)

4. "Any person believed to have a developmental disability . . . shall be eligible for initial intake and assessment services in the regional centers." (§ 4642, subd. (a)(1).) Initial intake shall be performed within 15 working days following the request, and shall include a decision whether to provide assessment. (§ 4642, subd. (a)(2).) Claimant has the burden of proving by a preponderance of the evidence that he suffers from a developmental disability. (§§ 4501, 4512, subd. (a); Evid. Code, §§ 115, 500.)

5. It is undisputed that claimant meets the diagnostic criteria for autism, a developmental disability within the meaning of the Lanterman Act. In 2017, claimant sought eligibility for SARC services under the category of intellectual disability and the fifth category, which SARC denied. After being diagnosed with autism in 2021, claimant again sought eligibility for regional center services, however, after a comprehensive intake and assessment, SARC determined that claimant was not substantially disabled. In 2025, claimant sought another eligibility assessment. SARC contends that no new information has been provided to require a third assessment for regional center services. The evidence established that claimant has limitations in certain areas and claimant's family testified credibly that they are concerned for his future and want him to receive support. Dr. Palomares' diagnostic evaluation confirms claimant's autism diagnosis, but it does not contain any new information regarding significant functional limitations. Claimant no longer receives services under an IEP plan, performs well academically, engages in self-care tasks, plays a sport, and has friends. The evidence did not establish that there is any new information related to claimant's autism or his functional limitations since the assessment in 2022. Claimant has not met his burden of establishing that another eligibility assessment is warranted.

ORDER

Claimant's appeal is denied.

DATE:

FRANCES M. VALDEZ

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.