

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

INLAND REGIONAL CENTER, Service Agency

DDS No. CS0030275

OAH No. 2025090790

PROPOSED DECISION

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on February 2, 2026.

Jemina Ahir represented Inland Regional Center (IRC).

Claimant's mother represented claimant, who was not present.

Oral and documentary evidence was received, and the matter was submitted for decision on February 2, 2026.

ISSUES

Is IRC required to increase claimant's Self-Determination Program (SDP) Budget to include transportation funding in the amount of \$2,520 for claimant's parent to provide transportation to and from school twice weekly?

Is IRC required to increase claimant's SDP Budget to include \$582 per month for an "executive functioning coach"?

FACTUAL FINDINGS

Background

1. Claimant is 16 years old and receives regional center services under the qualifying condition of autism spectrum disorder (ASD). Claimant resides in the family home with both parents. IRC is currently funding services for claimant that include respite, tutoring, educational advocacy services, social recreation coach services, social recreation services, and camp services.

2. On July 15, 2025, IRC issued a Notice of Action (NOA) that it was denying claimant's request to increase the SDP budget for transportation by an additional \$2,520 each year (2,600 miles at \$0.70/mile) to fund parent providing transportation to and from the school for claimant to participate in school related activities. On August 28, 2025, IRC issued an NOA that it was denying claimant's request to increase the SDP budget by an additional \$582 a month for an executive functioning coach.

3. Claimant filed an appeal.

4. An informal meeting was held on September 30, 2025. On October 6, 2025, IRC notified claimant that it was standing by its decision to deny the request to increase claimant's SDP budget to include transportation for school services and executive functioning coach services.

5. This hearing followed.

Self-Determination Program

6. In 2013, the Legislature enacted Welfare and Institutions Code section 4685.8, requiring the Department of Developmental Services (DDS or the Department) to implement a statewide SDP to provide individuals and their families with more freedom, control, and responsibility in choosing services and supports to help them meet objectives in their Individual Program Plan (IPP). DDS began pilot programs in certain regional centers and oversaw statewide working groups from various regional centers and consumer groups to develop policies and procedures to implement the program.

7. Starting July 1, 2021, the SDP was made available to all eligible regional center consumers, who wished to use it. All regional center consumers now have the option to have their services delivered through the SDP model or continue to receive services through the traditional model. With the SDP model, while participants have more choice over which services they receive and who deliver those services, participants also have more responsibility because they must manage their own budget resources with the assistance of a Financial Management Service (FMS) and support from the regional centers. The regional centers must certify that the cost of the SDP does not exceed the cost if the individual were to remain in the traditional services model.

8. After the budget is certified, the participant and regional center must develop a spending plan identifying the cost of each good, service, and support that will be purchased with regional center funds. Each item in the spending plan must relate to goals in the participant's IPP and be identified by a specific service code from a list of codes DDS publishes. A participant can annually transfer up to 10 percent of the funds in any budget category to other budget categories without regional center approval. Transfers exceeding 10 percent require regional center approval.

IRC's Evidence

9. The factual findings are derived from documentary evidence submitted by IRC and the testimony of the following IRC representatives: Jenessa Felicano, Alejandra Rivera, Edith Velasco, and Amanda Knoefler.

10. In addition to IRC's position statement, IRC's documentary evidence included: an Individualized Education Program (IEP) dated November 11, 2024; claimant's incident statement dated May 11, 2025; email correspondence with claimant's school dated May 12, 2025; a signed SDP Budget for August 1, 2025, through July 31, 2026; an IPP dated September 25, 2025; an IPP and Client Development and Evaluation Report dated September 25, 2025; an SDP Spending Plan dated October 21, 2025; SDP Traditional Services Tracker; Special Education Transportation guidelines, Board Certified Behavior Analyst (BCBA) handbook, SDP Service Codes, IRC's Tutor Me education flyer; IRC's Purchase Service Policy; previous OAH decisions; a document regarding Martha Barragan and Maria Martiniez, undated; a letter from claimant's mother regarding IPP/35c dated September 25, 2025; and Riverside County Special Education Local Plan Area Transportation Guidelines.

TESTIMONY OF JENESSA FELICANO

11. The following is a summary of the testimony of Jenessa Felicano, SDP Consumer Service Coordinator (CSC). Ms. Felicano holds a Bachelor of Arts in Psychology. She has worked with claimant since November 2024. Claimant is 16 years old and lives with his parents, who are considered his natural support. Claimant's qualifying diagnosis is ASD. He has also experienced challenges with his mental health related to previous bullying incidents. Claimant receives 196 hours of in-home supportive services each month and is covered under Medi-Cal through Inland Empire Health Plan (IEHP).

12. Claimant's September 25, 2025, IPP lists claimant's goals, which include gaining independence with his self-care tasks, improving communication and self-advocacy skills, gaining more independence while out in the community, improving his emotional regulation skills, enhancing his safety skills online and in person, ensuring safe transportation to his social and recreational activities, building relationships with other peers, and maintaining optimal health and well-being.

13. At the September 25, 2025, IPP meeting, claimant's mother made two new requests—transportation to and from school, and to add an executive functioning coach to the budget. As a result of bullying at his previous high school, claimant moved to a school farther from his home which increased his transportation costs. The reason for the request for an executive functioning coach was to help him overall with his life skills and communication skills and help with his organization for school. Claimant previously received Applied Behavioral Analysis (ABA) services. IRC has received no notice that these services will no longer be offered.

14. IRC uses a Traditional Service Tracker which tracks services that have been approved for the consumer in the past. Claimant's SDP annual budget is \$106,103.24. This includes \$41,700 or 25 hours per month authorized for tutoring services. Claimant's budget includes social recreational coaching services. The social recreational coach supports the consumer's social and adaptive skills through structured recreational activities. The service provider is Abigail Sanchez. Claimant has a high anxiety level in crowded areas and his coach works with him to increase his self-advocacy skills and reduce his maladaptive behaviors when he is out in the community. Claimant is authorized to receive 24 hours per month of respite services but these are not part of his current spending plan.

15. IRC has a copy of claimant's November 14, 2024, IEP. Ms. Felicano requested but has not yet received a copy of claimant's updated IEP.

TESTIMONY OF ALEJANDRA RIVERA

16. The following is a summary of the testimony of Alejandra Rivera. Ms. Rivera has been an SDP program manager for four years. Ms. Rivera holds a Master of Business Administration degree.

17. IRC looks at a participant's needs, and what services would address their developmental disability. These services must be reimbursable under the self-determination waiver. IRC issued a NOA because the request for transportation reimbursement falls under parental responsibility. By certifying claimant's SDP budget, IRC agreed to fund the services and supports approved in the SDP budget because these services and supports would have been funded in the traditional services model. An executive functioning coach was not included. The individual budget is created by

the IPP, which is participant based. The IPP includes all that was agreed upon at the meeting.

TESTIMONY OF EDITH VELASCO

18. The following is a summary of the testimony of Edith Velasco. She is a BCBA and works as a quality assurance behavior analyst. She has been with IRC for two and a half years. She works in adult residential facilities across the region. She does advanced monitoring and works with various consultants to ensure that the consultants uphold IRC goals and focus on the health and safety of IRC customers.

19. Ms. Velasco reviewed various documents and stated that it appears that claimant exhibits behaviors that include aggression toward his mother, property destruction, and elopement from his home. Claimant is not currently receiving ABA services. Claimant has been a consumer of IRC since he was three years old and received ABA services for three years. He has stated that he no longer wants to participate in ABA. Ms. Velasco stated that it is understandable that as a child gets older, he may no longer want ABA services. However, ABA sessions can be specifically tailored to make ABA something that the child likes to do or is now interested in. Based on the current information that claimant is escaping his home, which is a dangerous behavior, Ms. Velasco believes ABA would be able to address some of claimant's current issues, including working memory, time management, organization, planning skills, emotional control, self-regulation, and self-monitoring.

TESTIMONY OF AMANDA KNOEFLER

20. Amanda Knoefler is an Individuals with Disabilities Education Act specialist and she has been with IRC for two years. She has a master's degree in education. She previously taught special education in Riverside County. In this position

she oversees individuals from infant to age 22, support CSCs and works as a liaison with school districts for education services and other contracts.

21. According to claimant's IEP, he is eligible for special education services based primarily on ASD, and secondarily, speech and language impairment. Based on her knowledge and experience, Ms. Knoefler stated that tutoring services can address executive functioning skills, such as organization, time management, and staying on task.

22. Claimant's IEP dated December 15, 2023, contained a review of claimant's progress on his annual goals. According to the IEP team, the goal of maintaining on-task behavior was met and the goal of organizational skills was partially met. Based on these goals, it appears that the school is working on claimant's executive functioning skills in the IEP process.

23. Claimant's IEP dated November 14, 2025, listed Annual Goals and Objectives, which includes task completion, a baseline, and measurement of the goal by November 14, 2026. Ms. Knoefler stated that a task completion goal and organizational skills would fall under the umbrella of executive functioning according to Ms. Velasco's testimony. The IEP lists the special education services claimant is receiving from the school district, and several of these services relate to executive functioning. These services include specialized academic instruction for math and English support; specialized academic instruction for study skills/careers; language and speech services; occupational therapy; career awareness; vocational assessment; counseling, guidance, and career assessment. Claimant's IEPs reflect executive functioning goals. IRC reviews the IEPs that it receives but it is the responsibility of claimant and his parents to determine whether those IEP goals are being implemented.

24. Ms. Knoefler referred to Riverside County's guidelines regarding transportation for special education students, which states that in cases of inter-district school choice programs, where a student with a disability elects to attend a school other than the neighborhood school where he would normally attend out of personal choice and not due to disability needs, the local educational agency is not required to provide transportation to that school. Claimant chose to transfer out of his local school district he and his parents are responsible for providing transportation to and from school.

Claimant's Evidence

25. The factual findings are derived from the testimony of claimant's mother and documentary evidence submitted by claimant which included a position statement by claimant's parents; IEPs dated November 14, 2024, and November 14, 2025; District School Based Behavioral Health Assessment dated April 2024; pamphlet entitled "Executive Function Coaching for SDP Clients in California"; Occupational Therapy Evaluation dated March 17, 2025; and IEHP Behavioral Health Treatment Exit Letter dated April 20, 2022.

Testimony of Claimant's Mother

26. Claimant's mother is seeking reimbursement for the cost of transportation for claimant to and from school two days each week. Claimant's mother said claimant was transferred to a new school outside his local school district "for his safety" after he had been bullied at his local high school. She stated that after driving claimant the additional distance to his new school, she is continually late for work. She plans to find someone to transport claimant on those two days. Claimant lives at home

with both parents. Claimant's mother did not state why claimant's father was not able to provide transportation.

27. Claimant's mother is looking for an executive functioning coach to assist claimant to develop skills such as self-discipline and time management, to focus on hygiene and dressing, to complete self-care tasks without verbal reminders, and advocating for himself and communicating his feelings.

28. Claimant received ABA services for several years but he no longer wants to attend ABA, and his mother stated that she was then told that additional ABA services were not needed because these services were no longer effective for claimant's needs. Claimant's mother acknowledged that claimant receives 25 hours per month of tutoring and claimant has a social recreational coach, but claimant's mother does not believe these services meet all of his current needs. For these reasons, she believes IRC should increase claimants SDP budget to provide these services.

LEGAL CONCLUSION

Purpose of the Lanterman Act

1. The purpose of the Lanterman Developmental Disabilities Act (Lanterman Act) is 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." (Welf. & Inst. Code § 4501; *Association of Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

Burden and Standard of Proof

2. Each party asserting a claim or defense has the burden of proof for establishing the facts essential to that specific claim or defense. (Evid. Code, §§ 110, 115, 500; *McCoy v. Bd. of Retirement* (1986) 183 Cal.App.3d 1044, 1051, footnote 5.) In this case, claimant bears the burden to prove that IRC should fund the services that he seeks.

3. The standard by which claimant must prove what he seeks is the “preponderance of the evidence” standard. (Evid. Code, § 115.)

4. A preponderance of the evidence means that the evidence on one side outweighs or is more than the evidence on the other side, not necessarily in number of witnesses or quantity, but in its persuasive effect on those to whom it is addressed. It is “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.)

The Lanterman Act, DDS, and Regional Centers

5. The Lanterman Act is found at Welfare and Institutions Code section 4500 et seq.

6. Welfare and Institutions Code section 4501 sets forth the State’s responsibility and duties.

7. Welfare and Institutions Code section 4512, subdivision (b), states:

“Services and supports for persons with developmental disabilities” means specialized services and supports or special adaptations of generic services and supports

directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of an independent, productive, and normal life.

8. DDS is the State agency responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) To comply with its statutory mandate, DDS contracts with private nonprofit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

9. A regional center's responsibilities to its consumers are set forth in Welfare and Institutions Code sections 4640-4659.2.

10. Welfare and Institutions Code section 4646, subdivision (a), provides that it is the intent of the Legislature that the IPP and services and supports be "centered on the individual" and the individual's family, and take into account "the needs and preferences of the individual and the family."

Welfare and Institutions Code section 4646, subdivisions (b) and (d), state the IPP is developed through a process of individualized needs determination that shall involve the consumer and the consumer's parents, legal guardian or conservator, or authorized representative; and the IPP shall be "prepared jointly by the planning team."

11. Welfare and Institutions Code section 4646.4 requires regional centers to consider generic resources and the family's responsibility for providing services and supports when considering the purchase of regional center supports and services for its consumers.

12. Welfare and Institutions Code section 4648 requires regional centers be fiscally responsible and purchase services or supports through vendorization or contracting. Section 4648.35 requires regional centers to fund transportation services for a minor living in the family residence, only if the child's family provides sufficient written documentation to demonstrate that it is unable to provide transportation for the child.

13. An SDP participant shall manage SDP services and supports within the participant's budget. (Welf. & Inst. Code § 4685.8, subd. (d)(3)(D).)

14. An SDP participant "may transfer up to 10 percent of the funds originally distributed to any budget category set forth in paragraph (3) of subdivision (m) to another budget category or categories. Transfer in excess of 10 percent of the original amount allocated to any budget category may be made upon the approval of the regional center or the participant's IPP team." (Welf. & Inst. Code § 4685.8, subd. (n).)

15. Welfare and Institutions Code section 4686.2, subdivision (d)(3) defines "evidence-based practice" as follows:

. . . a decision making process that integrates the best available scientifically rigorous research, clinical expertise, and individual's characteristics. Evidence-based practice is an approach to treatment rather than a specific treatment. Evidence-based practice promotes the collection,

interpretation, integration, and continuous evaluation of valid, important, and applicable individual- or family-reported, clinically-observed, and research-supported evidence. The best available evidence, matched to consumer circumstances and preferences, is applied to ensure the quality of clinical judgments and facilitates the most cost-effective care.

16. Welfare and Institutions Code section 4685.8 requires DDS to implement a statewide SDP which shall be available to all regional centers. Subdivisions (c)(6) and (c)(7), respectively, define "Self-determination" and "Spending Plan." Subdivision (d) makes participation in the SDP voluntary. Subdivision (d)(3)(C) mandates that the SDP participant shall only purchase services and supports necessary to implement their IPP and shall comply with any and all other terms and conditions for participation in the SDP. Subdivision (j) provides a person-centered planning process that shall be used to develop the IPP. Subdivision (k) authorizes an SDP participant to "implement their IPP, including choosing and purchasing the services and supports" that are "necessary to implement the plan." Subdivision (m) authorizes an SDP participant to transfer up to 10 percent of the funds originally distributed to any budget category to another budget category. Subdivision (n) provides that transfers in excess of 10 percent of the original amount allocated to any budget category may be made upon the approval of the regional center or the participant's IPP team. Subdivision (r)(5) requires regional centers, "in addition to annual certification, [to] conduct an additional review of all final individual budgets" Subdivision (r)(6) requires the "spending plan to verify that goods and services eligible for federal financial participation are not used to fund goods or services available through generic agencies." Subdivision (y)(3)(D) makes SDP participants accountable for the use of public dollars.

Evaluation and Disposition

17. A preponderance of the evidence established that IRC properly denied claimant's request to increase claimant's SDP budget to include \$2,520 in annual transportation funding for claimant's parent to provide transportation to and from claimant's school twice per week. Insufficient evidence was presented that claimant's mother's transportation costs and time incurred due to driving claimant to school, is a service that is eligible for federal financial participation. Further, transportation to and from school is ultimately the responsibility of the local school district or the parent (Welf. & Inst. Code section 4644(a), 4648(a)(8), 4659, 4646.4(a)(4)). In this case, because of their concerns about bullying at claimant's local high school, claimant's parents chose to move him to a high school outside of their local school district. Regardless of the reason for their decision, by the move, claimant's parents declined the transportation services of the local district and transportation costs to and from the new high school therefore became a parental responsibility.

18. Executive function coaching is not a "traditional service" available in the standard regional center system and therefore cannot be used to augment the SDP budget. While claimant may purchase executive function coaching using existing funds in claimant spending plan, the budget itself cannot be increased for this purpose. Claimant's IEPs also reflected that claimant was already receiving executive function coaching through special education funds. Thus, an additional executive functioning coach would be duplicative of generic resources. Finally, while claimant stated that he no longer wanted ABA services, Ms. Velasco testified that ABA services may be tailored to claimant's specific needs.

19. Based on all the above, claimant's requests are denied.

ORDER

Claimant's appeal to increase claimant's SDP budget to include transportation funding in the amount of \$2,520 for claimant's parent to provide transportation to and from school twice weekly, is denied

Claimant's appeal to increase claimant's SDP budget to include \$582 per month for an executive functioning coach is denied.

DATE: February 17, 2026

MARION J. VOMHOF
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025090790

Vs.

DECISION BY THE DIRECTOR

Inland Regional Center

Respondent.

ORDER OF DECISION

On February 17, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services as its Decision in this matter. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4712.5, subdivision (a)(1), 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.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day March 10, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions