

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

In the Matter of:

CLAIMANT

and

NORTH BAY REGIONAL CENTER, Service Agency.

DDS No. CS0030385

OAH No. 2025090985

DECISION

Administrative Law Judge Carl D. Corbin, State of California, Office of Administrative Hearings, served as the hearing officer and heard this matter on November 7, 2025, by videoconference.

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

Claimant was represented by his mother. Claimant was not present during hearing.

The record closed and the matter was submitted for decision on November 7, 2025.

ISSUE

Is claimant eligible for services under the Lanterman Developmental Disabilities Services Act?

FACTUAL FINDINGS

1. Claimant was born in April 2019, he is six years old, and he is enrolled in the first grade. Claimant is currently not receiving services under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.).¹ Claimant lives with his mother, two older siblings, and one younger sibling.

2. Eligibility for services under the Lanterman Act requires claimant to have a developmental disability that originates prior to claimant attaining 18 years of age, must not be solely physical in nature, must be expected to continue indefinitely, and must constitute a substantial disability for claimant. (§ 4512, subd. (a)(1).) A substantial disability requires significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency. (*Id.*, subd. (b)(1).)

¹ Statutory references are to the Welfare and Institutions Code unless otherwise noted.

3. There is no dispute between the parties that claimant has Autism Spectrum Disorder (ASD); that he has significant functional limitations in the major life activity areas of self-care and self-direction; and that he does not have significant functional limitations in the areas of mobility, capacity for independent living, and economic self-sufficiency. The parties' dispute is that claimant asserts that he also has significant functional limitations in receptive and expressive language, and learning, but NBRC disagrees.

4. Claimant was born at 38 weeks via cesarean delivery. His birth was induced due to fetal distress. Claimant has no history of seizures or head injuries. He has been prescribed corrective glasses, but he does not wear his glasses.

5. Claimant's school district referred him for an assessment while he was in kindergarten to determine his eligibility under the Individuals with Disabilities Education Act (IDEA) and whether he qualified for an Individualized Education Program (IEP). On September 19, 2024, claimant's school district determined that he was eligible under the IDEA due to his meeting the educational disability criteria for possession of an Emotional Disturbance and Other Health Impairment. Claimant's general education teacher Shayla Watts reported that, "when compared to other children his same age/grade, [claimant] is in the average range in all academic areas"; however, "it is hard to assess his abilities because of his lack of focus and/or compliance when completing classroom activities and assignments." School psychologist Rheanna Smith assessed claimant and determined that he had a standard score of 117 for overall cognition, which is above the average range. Regarding claimant's communication development, his IEP team reported:

According to current standardized and non-standardized assessment results all areas of [claimant's] communication

skills were either found or judged to be within the average range when compared to his same aged peers. [Claimant's] pragmatic language skills were found to be well within the average range, as can be seen by his score in the 70th percentile on the Pragmatic Language subtest of the CASL-2. There were no concerns reported by teacher or parent in the areas of receptive/ expressive language, articulation, fluency , or voice, and all of these areas were judged to be age appropriate by the [speech language pathologist] at this time. According to Mrs. Watts, the students and staff understand [claimant] easily. He is very articulate and has a well developed vocabulary. He is very curious and loves to ask questions or share about things he has learned. [Claimant] has very sophisticated turns of phrase that he uses appropriately in conversation. [Claimant] is able to maintain appropriate turn taking in conversation. . . .

Claimant "struggles with hyperactivity, impulsivity, distractibility, and self-regulation" and "can become easily dysregulated, which often escalates to physically aggressive behaviors, destruction of property, verbal outbursts, elopement." At the time of this IEP meeting, claimant was engaging in acts or verbal and/or physical aggression on an average of five times per day. Based on claimant's educational needs, his IEP team determined that he required a more restrictive educational placement, such as at a nonpublic school (NPS). Subsequently, claimant was placed at an NPS.

6. Stephanie Crampton, Psy.D., assessed claimant and wrote a report with her findings dated October 18, 2024. Dr. Crampton determined that claimant met the diagnostic criteria for ASD and Attention-Deficit/Hyperactivity Disorder (ADHD), combined presentation.

7. NBRC Intake Assessment Counselor Suzette Soviero, M.S., conducted an intake social assessment of claimant by gathering information from claimant's mother, reviewing documents, and writing a report with her findings dated January 30, 2025. Soviero determined that it was unclear whether claimant met the criteria for eligibility under the Lanterman Act and that there would be a comprehensive case review by the NBRC eligibility team.

8. On February 5, 2025, Soviero went to claimant's home, and gathered information from claimant and his mother. That same day, Soviero wrote an addendum to her initial intake social assessment.

9. On June 2, 2025, an IEP meeting was held for claimant for the purpose of a "30-day review of placement" at the NPS. Claimant's IEP team determined that he was demonstrating success at the NPS and agreed that he should continue at the placement for the 2025-2026 school year.

10. On June 17, 2025, an NBRC eligibility team comprised of various professionals, including Alyson Madigan, Psy.D., conducted a comprehensive case review of claimant. The eligibility team determined that claimant had ASD and that he had significant functional limitations in only two areas of major life activity: self-care and self-direction. Dr. Madigan testified at hearing regarding the NBRC eligibility team decision-making process relating to claimant. Dr. Madigan's testimony was persuasive and consistent with the documentary evidence.

11. On June 17, 2025, NBRC issued a Notice of Action (NOA) to claimant's mother that he was not eligible under the Lanterman Act for the reasons set forth in Factual Findings 2, 3, and 10.

12. On September 17, 2025, an annual IEP meeting was held for claimant. His IEP team reported that he is continuing to adjust to his placement at the NPS and "[a]s he has settled into the program, his negative reactions have shifted away from physically dangerous actions to more provocative commentary." As part of claimant's IEP, a Behavior Intervention Plan was developed for him. Claimant is experiencing educational success and growth at the NPS and its focus on behavioral support in a highly structured therapeutic environment. Claimant takes guanfacine and Vyvanse for ADHD and melatonin at night for sleeping.

13. On September 23, 2025, claimant's mother filed an appeal of NBRC's decision set forth in its NOA.

Claimant's Additional Evidence

14. Claimant's mother testified sincerely and earnestly at hearing regarding her concerns for claimant and her belief that he should be eligible for services under the Lanterman Act. She described claimant's issues with daily living, learning, communication, and safety. Claimant's mother acknowledged that he is "bright and inquisitive" and has advanced communication skills in that, when motivated, he can provide a "college worthy explanation." However, she described claimant's struggles to learn and communicate effectively when he is "dysregulated or overwhelmed." The concerns of claimant's mother are reasonable and well-founded. That said, she did not sufficiently prove that claimant has significant functional limitations in the major life activity areas of learning or receptive and expressive language.

Ultimate Factual Finding

15. The evidence established that claimant has ASD, he is under the age of 18, and he has significant functional limitations in the major life activity areas of self-care and self-direction. Dr. Madigan's opinion, and that of the NBRC eligibility team, that claimant does not have significant functional limitations in the major life activity areas of learning, and receptive and expressive language, was persuasive and consistent with the documentary evidence. Because claimant does not have a significant functional limitation in at least three areas of major life activity, he does not have a substantial disability as defined by the Lanterman Act.

LEGAL CONCLUSIONS

1. In a proceeding to determine whether an individual is eligible for regional center services, the burden of proof is on the claimant to establish that he or she has a qualifying developmental disability. The standard of proof required is a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

2. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. 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; *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.) The Lanterman Act is a remedial statute; as such it must be interpreted broadly. (*California State Restaurant Association v. Whitlow* (1976) 58 Cal.App.3d 340, 347.)

3. As set forth in Factual Finding 15, claimant does not have a substantial disability as defined by the Lanterman Act. Therefore, claimant does not qualify for services under the Lanterman Act at this time.

ORDER

Claimant's appeal of NBRC's denial of eligibility is denied. Claimant is not eligible for regional center services at this time.

DATE:

CARL D. CORBIN

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.