

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

In the Matter of:

CLAIMANT

and

SAN DIEGO REGIONAL CENTER, Service Agency

DDS No. CS0030495

OAH No. 2025100015

DECISION

Traci C. Belmore, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on November 17, 2025, by videoconference.

Erik Peterson, Appeals and Resolutions Manager, represented San Diego Regional Center (SDRC).

Claimant's father represented claimant who was not present.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on November 17, 2025.

ISSUE

Is claimant eligible for regional center services under the Lanterman Developmental Disabilities Services Act of 1969 (Lanterman Act) due to Autism Spectrum Disorder (ASD or autism)?

FACTUAL FINDINGS

Jurisdictional Matters

1. Claimant is a five-year-old boy living with his parents. Claimant had been receiving provisional services from SDRC pursuant to a diagnosis of ASD and significant delays in self-care and self-direction.

2. On June 26, 2025, SDRC performed a redetermination of eligibility for claimant, as he was no longer eligible for provisional services because he turned five years old. SDRC determined that claimant was no longer eligible for regional center services because although claimant did have a diagnosis of ASD, he did not have significant functional limitations in three or more areas of major life activities.

3. In a letter dated August 21, 2025, SDRC informed claimant's parents that he was no longer eligible for provisional services and that he was not eligible for ongoing regional center services because although he was diagnosed with ASD, he did not exhibit a substantial disability.

4. On September 29, 2025, SDRC received claimant's appeal request, and this hearing followed.

SDRC Evidence

5. Licensed Clinical Psychologist Paul Hobson testified on behalf of SDRC. Mr. Hobson agreed that claimant had been diagnosed with ASD but initially testified that claimant had deficits in only one area, self-direction. Later in his testimony, Mr. Hobson conceded that claimant also had deficits in the area of self-care. Although the SDRC representative referred to Mr. Hobson as Dr. Hobson, no information was provided about Mr. Hobson's educational credentials. SDRC agreed to provide Mr. Hobson's curriculum vitae but failed to do so.

Evaluations

6. On April 14, 2025, Jamie Young, Psy.D., performed a psychological evaluation of claimant and prepared a written report. In the report Dr. Young noted that claimant "fell into the category of Autism with a classification indicating a Moderate Level or Autism Spectrum-related symptoms."

7. Dr. Young reviewed records and administered several tests to claimant including the Differential Ability Scales, Second Edition (DAS-2), Vineland Adaptive Behavior Scales Third edition (Vineland 3), and the Autism Diagnostic Observation Schedule Second Edition (ADOS 2). Claimant's score on the DAS-2 was in the average range, but Dr. Young noted that his score should be interpreted with caution due to "significant differences within the index." Claimant scored "moderately low" in the socialization, domestic, and interpersonal relationships domains of the Vineland 3. Claimant's score on the ADOS 2 was in the classification of Autism with a moderate level of ASD related symptoms. Dr. Young recommended that claimant participate in Applied Behavior Analysis therapy to help with socialization and engagement with his peers.

8. An Individualized Education Program (IEP) dated March 27, 2025, with amendments was submitted. The IEP indicated that claimant qualified for special education services under the primary category of "other health impairment" and a secondary category of "visual impairment." ASD was not mentioned in the IEP. Even if claimant had been receiving special education services due to a diagnosis of ASD, a school providing services to a student under an autism disability is insufficient to establish eligibility for regional center services. Schools are governed by California Code of Regulations, Title 5 and regional centers are governed by California Code of Regulations, Title 17. Title 17 eligibility requirements for services are much more stringent than those of Title 5. Nothing contained in the IEP established claimant's eligibility for regional center services.

9. A progress report from the Center for Learning and Autism Support Services, Inc., claimant's behavioral services program, dated March 6, 2025, indicated that claimant had not yet met all of his instrumental goals nor had he met his ultimate goal of increasing his play and social skills, tolerating nonpreferred activities, and engaging in communication and play skills with peers.

Claimant's Additional Evidence

10. Claimant's father testified on claimant's behalf. His testimony is summarized as follows. Claimant qualifies for regional center services due to his diagnosis of ASD and his substantial disability. The three areas of major life activities that claimant has significant functional limitations in are self-direction, communication, and capacity for independent living. He believes the limitation for capacity for independent living is demonstrated by claimant's inability to communicate and or interact with peers his age. Claimant tends to gravitate towards adults. Claimant needs help getting dressed, brushing his teeth, and has difficulty with transitions.

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 has a qualifying developmental disability. The standard of proof required is preponderance of the evidence.

2. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. The Lanterman Act is found in Welfare and Institutions Code¹ section 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; *Association for Retarded² Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384.)

3. A developmental disability is a disability that originates before an individual reaches age 18; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. (§ 4512, subd. (a); Cal. Code Regs., tit. 17, § 54000, subd. (b).)

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

² The term "intellectual disability" has replaced the formerly used term of "mental retardation."

“Developmental disability” as defined in the Lanterman Act includes intellectual disability, cerebral palsy, epilepsy, autism, and 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); Cal. Code Regs., tit. 17, § 54000, subd. (a).)

“Substantial disability” means major impairment of cognitive and/or social functioning, and the existence of significant functional limitations, as appropriate to a person’s age, in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency. (§ 4512, subd. (l)(1); Cal. Code Regs., tit. 17, § 54000, subd. (a).)

4. SDRC conceded that claimant has a qualifying diagnosis and has significant functional limitations in two areas of major life activity: self-care and self-direction. Although claimant’s father testified that he believes claimant has significant functional limitations in the area of capacity for independent living, this category is not age appropriate for claimant and as such, does not apply. On this record, claimant has not met his burden of establishing that he is eligible for regional center services.

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ORDER

Claimant's appeal is denied. Claimant is not eligible for regional center services.

DATE: December 3, 2025

TRACI C. BELMORE

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.