

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

In the Matter of:

Claimant,

and

Tri-Counties Regional Center,

Service Agency.

DDS No. CS0030466

OAH No. 2025100112 (Secondary)

and

DDS No. CS0030902

OAH No. 2025100653 (Tertiary)

DECISION

Nana Chin, Administrative Law Judge, Office of Administrative Hearings (OAH),
State of California, heard this matter on December 15, 2025, by videoconference.

Claimant was represented by his parents (Parents). (Names are omitted and family titles are used to protect the privacy of Claimant and his family.) Tri-Counties Regional Center (TCRC or Service Agency) was represented by Jennifer Del Castillo, Fair Hearing Manager.

Testimony and documents were received into evidence. The record was held open until December 29, 2025, for Parents to submit a letter from their medical provider addressing whether the requested adaptive skis (sit-skis) are medically appropriate for Claimant and until December 31, 2025, for Service Agency to object or otherwise respond to Parents' post-hearing submission.

Parents timely submitted the letter, which was marked as Exhibit C. Service Agency did not object to its admission, and the letter was admitted as Exhibit C. The record then closed and the matter was submitted for decision on December 31, 2025.

ISSUE

1. Whether TCRC should be required to fund adaptive skis.
2. Whether TCRC should be required to fund a home security system.

EVIDENCE

Documents: Exhibits: O1-O4, 1-7, A-C.

Testimony: TCRC Assistant Director of Services and Supports Devon McClellan; Services and Supports Manager Tamika (Mika) Harris; TCRC Service Coordinator Emily Zacarias; Parents.

FINDINGS OF FACT

Individual Program Plan History

1. An Individual Program Plan (IPP) meeting was held on June 8, 2023, at the Tri-Counties Regional Center (TCRC) office with Claimant, Parents, and TCRC Service Coordinator Rosalva Ortiz. During the meeting, the IPP Team identified Claimant's goals and objectives and agreed on services to support those goals.

2. During the IPP meeting, Parents reported that Claimant requires adult supervision at all hours because he has significant deficits in safety awareness and judgment. Parents explained that Claimant attempts to elope, opens doors, does not respond to verbal redirection, and wanders toward unsafe situations without understanding danger, both during the day and at night.

3. Claimant's goals related to safety included "liv[ing] at home with his family and with appropriate supports" and "develop[ing] a stronger sense of safety awareness." (Exh. 3, pp. A10, A14.) Parents shared that Claimant was receiving 240 hours per month of In-Home Supportive Services (IHSS) to ensure his supervision and that they had installed additional locks and safety measures in the home to prevent Claimant from eloping. Claimant was also receiving Applied Behavior Analysis services (ABA) to teach him safety awareness.

4. With respect to socialization, Parents reported that Claimant does not engage in typical peer play but enjoys being around others and participating alongside peers.

5. Claimant's goals related to socialization included "hav[ing] opportunities to participate in community activities." (Exh. 3, p. A15.) Parents expressed their interest

in having Claimant join activities, such as water activities, dancing, or horse riding, to develop his social skills and to be with peers with similar interests.

6. TCRC generates an IPP every three years, which is reviewed annually. Any changes to an IPP are documented through an IPP Amendment/Addendum (IPP Addendum). At hearing, TCRC submitted two 2025 IPP Addendums, Exhibits 5 and 6, related to Claimant's request for adaptive skis and a home security system, as described below.

7. On September 24, 2025, Parents contacted Claimant's new service coordinator (SC), Emily Zacarias, regarding their concerns related to Claimant's goal of living in the family home with appropriate supports. In the Addendum, it was noted that Claimant has a history of eloping and, as he has grown bigger and stronger, he has become faster and more adept at eloping. Mother reported that, in the community, it takes two people to supervise Claimant and prevent eloping. She described two incidents where Claimant got away while he was out in the community. In the first incident, Claimant got away from Mother while they were at the grocery store and was later found in a bakery kitchen closet. In another incident, the family was at a restaurant, Claimant left the table, entered an elevator, and traveled to the top floor of the building. At home, Claimant can turn doorknobs and attempts to leave through the front door. Parents have implemented multiple measures to prevent eloping, including installing childproof doorknob covers, child safety locks, deadbolts, dowels in the door frame, seven-foot perimeter fencing, and cameras.

8. TCRC had previously agreed to provide funding for AngelSense, which is a wearable GPS tracking system. The family tried it, but Claimant would not wear the device. Instead, Parents were using an Apple AirTag, which is smaller and can be concealed in a shoe; however, Parents stated they wanted to retain the AngelSense

option in case circumstances arose in which the AirTag was ineffective. TCRC agreed to provide funding for AngelSense.

9. On October 31, 2025, Parents contacted SC Zacarias requesting regional center funding to address Claimant's goal of participating in community activities. The October 31, 2025 IPP Addendum notes that Claimant enjoys being around others and being out in the community. To that end, he has participated in many different social activities such as music classes, therapeutic riding, swimming, and adaptive skiing, and these activities have given Claimant opportunities to interact socially with peers.

10. The IPP Team agreed that two half-days of adaptive skiing classes with Central California Adaptive Sports Center on February 15, 2026, and February 16, 2026, would address his goal of community participation. TCRC agreed to fund the classes, and Parents agreed that they would be responsible for transportation, room and board, proper clothing, meals, and supplies that were not included in the registration.

11. Before Claimant began classes, the Sports Center assessed Claimant's abilities, ruled out other options, and determined that a sit-ski system was the appropriate adaptive equipment for Claimant.

Request for Adaptive Ski Equipment (Secondary Case)

12. On a date not established by the record, Parents requested that TCRC fund the purchase of adaptive skis so Claimant could safely ski.

13. In a written denial letter dated September 25, 2025, TCRC refused to provide funds for adaptive skis. In denying the request, TCRC cited: (i) Welfare and Institutions Code section 4646, subdivision (a), which requires regional centers to fund only cost-effective supports and services, and (ii) Welfare and Institutions Code section

4648, subdivision (a)(17), which prohibits regional centers from purchasing experimental treatments, services, or devices.

14. At hearing, TCRC Assistant Director of Services and Supports (AD) Devon McClellan discussed TCRC's rationale for denying Claimant's request, pointing both to the Welfare and Institutions Code provisions cited in TCRC's denial letter as well as TCRC's Service Policy Guidelines regarding Family Supports for School-Age Children and Young Adults-Policy Number 11501 (Support Guidelines) and Equipment and Supply Services-Policy Number 10701 (Equipment Guidelines).

15. The Support Guidelines state, in relevant part:

Tri-Counties Regional Center will assist and advocate for school-age children and young adults to acquire social skills and participation in age appropriate public and private recreational activities. Children and their families are expected to use their personal resources to pursue hobbies, leisure activities and access entertainment events. *Tri-Counties Regional Center may authorize funding for the acquisition of specific skills, as well as participation in camping services and social recreation activities, when the Planning Team has determined the skills cannot be taught by the family or by public and/or generic resources.*

[¶] . . . [¶]

Social Recreation services are leisure-time activities designed to promote personal enjoyment, peer interaction,

social growth, recreation, and enhancement of daily living skills within the community.

(Exh. 7, pp. A26-27, emphasis added.)

16. The Equipment Guidelines state, in relevant part:

Access to specialized equipment and supply services to meet needs directly related to the developmental disability of the person may be necessary for the health and functional ability of some individuals. Tri-Counties Regional Center may authorize funding for an equipment and/or supply purchase that is related to the individual's disability when it is determined by the Planning Team that the service is required and that there are no generic or private resources, including private or public health insurance, available or responsible to meet the need.

[¶] . . . [¶]

When the need is directly related to, or is the direct result of, a developmental disability and all generic and private resources, including private medical insurance, deny a necessary specialized equipment or supply purchase, Tri-Counties Regional Center may authorize funding for the purchase of specialized durable and/or non-durable equipment and supplies as recommended by the Planning Team. Tri-Counties Regional Center will ensure that all reasonable efforts are made to select wheelchairs and/or

other equipment which will be accessible on public transportation.

[¶] . . . [¶]

Durable equipment includes those mechanical, assistive, or adaptive devices which are designed to sustain life or to facilitate mobility, communication, community access, or environmental control in order to promote increased independence. Durable equipment includes, but is not limited to: wheelchairs, apnea monitors, and communication devices.

(Exh. 9, pp. A30-A32.)

17. Under questioning, AD McClellan acknowledged that TCRC's Equipment Guidelines do not limit the purchase of equipment to medical equipment and do not contain a provision that would categorically prohibit funding for adaptive skis.

18. Parents testified that Claimant cannot safely participate in skiing using standard equipment due to his impaired safety awareness, judgment, motor planning, endurance, and frequent seizures, which are the result of his autism, intellectual disability, and epilepsy. Parents explained that use of the adaptive sit-ski mitigates Claimant's safety risks by allowing Claimant to ski in a seated, harnessed position, with an adult controlling the speed and direction. Additionally, Parents credibly explained that, because Claimant experiences frequent seizures, use of a sit-ski system reduces the likelihood of injury if Claimant has a seizure while skiing.

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19. The requested adaptive skis cost approximately \$7,000. Parents requested a one-time purchase of the equipment, which would be owned by Claimant and could be adjusted as he grows.

20. Parents testified that adaptive sit-skis are generally unavailable for public rental and cannot be relied upon for consistent access outside of the structured instructional programs provided by the Sports Center. Parents explored generic and private resources, including applying for grant funding, and were denied. No evidence established that any generic or private resource could provide Claimant with reliable access to the requested adaptive equipment.

21. Parents also submitted a letter from Kristin Maupin, an occupational therapist (OT) for the Center for Developmental Play and Learning, who has provided one-to-one Floortime therapy for Claimant since June 2024. OT Maupin's letter corroborated Parents' testimony regarding Claimant's disability-related limitations and the manner in which sit-skis would address those limitations.

22. On December 17, 2025, Jerold A. Black, MD, submitted a letter in support of Claimant's request for adaptive skis. In the letter, Dr. Black noted that the adaptive skis, such as the sit-skis, were medically appropriate. (Exh. C.)

Request for Home Safety Supports

23. Parents also requested funding for home-based safety supports to address Claimant's documented elopement risk, including alerts on doors and windows to notify Parents if Claimant attempted to leave the home.

24. TCRC denied the home safety request in a written denial letter, asserting that the request did not constitute a service or support under Welfare and Institutions

Code section 4512, subdivision (b), was not cost-effective under section 4646, subdivision (a), did not conform to TCRC's purchase of service policies, required use of generic resources, and fell within parental responsibility for providing services for a minor child without disabilities.

25. Services and Supports Manager (SM) Tamika (Mika) Harris has been overseeing Claimant's service coordinator, while the regular manager is on leave. SM Harris testified that certain supports may be considered generic resources relevant to Claimant's elopement risk. SM Harris contended that, while Claimant is homeschooled and his school district is responsible for providing services and ensuring safety during school hours. SM Harris also noted that the family receives IHSS protective supervision hours and that ABA services could address Claimant's elopement behavior.

26. Parents explained that the requested home security system is needed to address Claimant's elopement risk during all hours, not only during school hours. Parents further explained that, although the family receives IHSS protective supervision hours, Mother is Claimant's IHSS provider. Parents credibly maintained that Mother cannot remain hypervigilant 24 hours a day, particularly given Claimant's increased ability to unlock doors and elope quickly, and that an alarm system is necessary to notify Parents immediately if Claimant attempts to leave the home.

27. Parents also reported that Claimant has received ABA services for several years, yet Claimant continues to elope despite those services. Parents have been using an AirTag that is concealed in the sole of Claimant's shoe to try to keep track of him. Parents explained that the AirTag assists with tracking Claimant after he has wandered away, but it does not provide the type of alert Parents seek to prevent elopement or to notify them immediately when Claimant attempts to leave the home.

28. Parents stated that Mother is often the sole caregiver because Father is a firefighter who is away for extended periods due to his work. Parents further explained that, because Claimant is now able to unlock doors, Mother cannot sleep and must remain vigilant in order to prevent Claimant from eloping without supports that will immediately alert her if he tries to escape.

29. At hearing, SM Harris acknowledged that TCRC did not clearly understand what Parents were requesting when they sought a “home security system.” The evidence showed that TCRC denied the request without reconvening the IPP Team to clarify the request or evaluate its specific components through the IPP process.

30. SC Zacarias testified that newer tracking devices have become available since the IPP Amendment/Addendum addressing Parents’ request and that TCRC has approved at least one of these newer devices for purchase in another case. SC Zacarias testified that these newer devices are similar in size and form to an Apple AirTag and may therefore be less likely to trigger the same sensory intolerance that prevented Claimant from using AngelSense. SC Zacarias testified she did not have sufficient information regarding the specific features, components, or performance of the newer devices. However, it is her understanding that, unlike a home-based alert system, a tracking device may provide location and alert functionality when Claimant is in the community.

LEGAL CONCLUSIONS

Standard and Burden of Proof

1. When a party seeks government benefits or services, that party bears the burden of proof. (See, e.g., *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d

156, 161 [discussing disability benefits].) Similarly, the party seeking a change in services sought is responsible for proving the change is necessary. (See Evid. Code, § 500.) No statute establishes the standard of proof in Lanterman Act fair hearings, so the applicable standard is proof by a preponderance of the evidence. (Evid. Code, § 115.) Accordingly, Claimant, as the party seeking additional funding, bears the burden of proving by a preponderance of the evidence that the additional services requested are necessary to meet his needs.

Applicable Law

2. In enacting the Lanterman Act, the Legislature accepted responsibility “to provide an array of services and supports . . . sufficiently complete to meet the needs and choices of each person with developmental disabilities” and to support their integration into community life. (Welf. & Inst. Code, § 4501.) The purposes of the Act include preventing or minimizing institutionalization and dislocation from family and community (§§ 4501, 4509, 4685) as well as enabling people with developmental disabilities to approximate the pattern of living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (Welf. & Inst. Code, §§ 4501, 4750–4751.)

3. “Services and supports for persons with developmental disabilities” are defined broadly and must be “individually tailored to the consumer” and directed toward enabling the consumer to live more independent and productive lives and to approximate “the pattern of everyday living available to people without disabilities of the same age.” (Welf. & Inst. Code, § 4512, subd. (b).)

4. A consumer’s needs are determined through the Individual Program Plan (IPP) process. (Welf. & Inst. Code, § 4646.) The IPP is developed through a collaborative

effort between the regional center, the consumer, and the consumer's representatives. (Welf. & Inst. Code, § 4646, subd. (d).) The IPP process includes gathering information from the consumer, the family, and others to identify and accurately assess the consumer's needs. (Welf. & Inst. Code, § 4646.5, subd. (a).)

5. The IPP must set forth the consumer's goals and objectives, identify services and supports to be acquired based on the consumer's developmental needs, and reflect the consumer's preferences. (§§ 4512, subd. (b), 4646, 4646.5, subds. (a)(1), (a)(2), (a)(4), 4648, subd. (a)(6)(E).) However, a regional center is not required to provide every service a consumer or family may request. Regional center services must "reflect the cost-effective use of public resources." (§ 4646, subd. (a); see also §§ 4624, 4630, subd. (b), 4651.) This requires consideration of the consumer's needs, progress, and circumstances, the regional center's service policies and resources, and that services be provided in the least restrictive and most family-like environment. (§§ 4512, subd. (a), 4648, subd. (a)(1).)

Request for Adaptive Sit-Ski Equipment

6. Claimant proved by a preponderance of the evidence that the purchase of an adaptive sit-ski system is necessary to meet his disability-related needs. (Welf. & Inst. Code, §§ 4512, subd. (b), 4646.) The evidence showed that, due to Claimant's autism, intellectual disability, and epilepsy, he lacks the safety awareness, motor planning, endurance, and seizure stability needed to ski safely with standard equipment. The sit-ski addresses these functional limitations by permitting continuous adult control of speed and direction and by securing Claimant in a seated, harnessed position, thereby reducing the risk of injury and allowing safe participation in a community activity consistent with the Lanterman Act's purposes. (Welf. & Inst. Code, § 4501.)

7. TCRC denied funding for the sit-ski on the ground the equipment was not cost-effective. (Welf. & Inst. Code, § 4646, subd. (a).) The record does not support that determination. TCRC did not identify any feasible alternative to purchase or compare the requested one-time expense to actual available options. The evidence established that adaptive sit-skis are generally not available for public rental, and their availability cannot be relied upon outside structured programs. Additionally, Parents explored generic and private resources, including grant funding, and were denied. On this record, no reliable generic or private resource was shown to exist, and TCRC's cost-effectiveness conclusion lacks factual support.

8. TCRC also asserted the sit-ski was an "experimental" treatment, service, or device. (Welf. & Inst. Code, § 4648, subd. (a)(17).) The evidence did not support that claim. The sit-ski is an established adaptive device used to enable safe participation in skiing for individuals with disabilities, and it was identified as appropriate for Claimant through assessment and instruction at an adaptive sports program. No witness testified, and no exhibit showed, that the sit-ski is experimental, optional, or clinically unproven. To the contrary, TCRC's witness acknowledged that the Service Policy Guidelines do not categorically prohibit funding for adaptive ski equipment. Accordingly, Welfare and Institutions Code section 4648, subdivision (a)(17), does not bar funding on this record.

Request for Home Security System

9. With respect to the request for home security system, the evidence shows that TCRC denied the request without clarifying the specific supports Parents sought and without properly evaluating the request through the IPP process.

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10. TCRC argued that the requested home security system should be denied because other resources could address elopement, including ABA services, school-based supervision, and IHSS protective supervision. The evidence, however, established the need for immediate alerts due to Claimant's ongoing elopement risk, impaired safety awareness, and ability to unlock doors. Although school-based safety responsibilities apply during school hours, Parents sought a home security system to address elopement risk at all hours in the home. IHSS protective supervision compensates a caregiver for supervision time but does not eliminate the need for immediate notice when Claimant attempts to leave the home. The requested support is therefore intended to supplement supervision, not replace it.

11. TCRC also argued that ABA services could be used to address elopement. Parents reported that Claimant has received ABA services for several years with little benefit and continues to elope despite ABA. On this record, delaying the funding of a home security system in the hope that ABA may become effective at some point in the future would place Claimant at ongoing risk, and Claimant's safety needs cannot be deferred based on the possibility of future improvement. Accordingly, the request for home security system is granted, and the matter is remanded for further analysis by the parties through the IPP process for the limited purpose of determining the specific components and configuration of the home security system that are most appropriate to meet Claimant's safety needs.

ORDER

Claimant's appeal of Service Agency's denial of adaptive ski equipment is granted. Service Agency shall fund the purchase of an adaptive sit-ski system for Claimant.

Claimant's appeal of Service Agency's denial of a home security system is granted. Within 30 days of the effective date of the decision, an IPP will be reconvened for the purpose of determining which home security system would meet Claimant's needs, based on Claimant's sensory limitations and supervision needs.

IS SO ORDERED.

DATE:

NANA CHIN

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 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.