

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0031392

OAH No. 2025110076

DECISION

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, served as the hearing officer for this matter on February 4, 2026, by videoconference.

Claimant was represented by her parents. Claimant was not present at hearing.

Esmeralda Rivera represented service agency San Andreas Regional Center.

The record closed and the matter was submitted for decision on February 4, 2026.

ISSUE

Is claimant eligible under the Lanterman Developmental Disabilities Services Act (Lanterman Act) for ongoing services from the San Andreas Regional Center (SARC)?

FACTUAL FINDINGS

Background

1. Claimant was born in November 2020 and is now five years old. She lives with her parents and twin sister.

2. The appeals of claimant and her twin sister regarding Lanterman Act eligibility involve common questions of law and fact, and were consolidated for hearing. (Welf. & Inst. Code, § 4712.2 [all statutory citations are to the Welfare and Institutions Code].) Separate decisions are being issued for claimant and her sister.

3. The Lanterman Act provides ongoing lifetime assistance from regional centers to people with five specified developmental disabilities: intellectual disability, cerebral palsy, epilepsy, autism, or any other condition "closely related to intellectual disability or [requiring] treatment similar to that required for individuals with an intellectual disability" (commonly called the "fifth category"). (§ 4512, subd. (a)(1).) The eligible condition must begin before the age of 18, must be permanent, and must be a substantial disability for the person. "Substantial disability" means the person has significant functional limitations, as appropriate to their 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. (1)(1).)

For children under age five, the Lanterman Act allows for “provisional eligibility” if the child has a disability that is “not solely physical in nature” and has significant functional limitations in two or more areas of major life activity. (§ 4512, subd. (a)(2).) Provisional eligibility does not require diagnosis with any specific condition. A provisionally eligible child will be reassessed before the age of five to determine eligibility for ongoing services. (*Id.*, subd. (a)(4).)

4. Claimant was diagnosed with Autism Spectrum Disorder (ASD, or autism) in October 2023, when she was nearly three years old. The dispute here is whether she is substantially disabled by autism for the purposes of Lanterman Act eligibility.

5. Claimant received services from SARC under provisional eligibility. Before her fifth birthday, members of the SARC interdisciplinary team reviewed documents to determine whether claimant was eligible for ongoing services.

6. On October 10, 2025, SARC issued a notice of action and denial letter, finding that claimant was not eligible for ongoing services under the Lanterman Act, because she had not shown significant functional limitations in three or more areas of major life activity. Claimant’s parents submitted an appeal, contending she is eligible.

Assessments and School Records

7. Claimant attends school in the Sunnyvale School District. She is currently in transitional kindergarten (TK).

8. In October 2023, claimant had an initial Individualized Education Plan meeting upon her transition from the Early Start Program. She was found eligible for special education services under the category of Other Health Impairment (OHI). She

was recommended for speech/language services because her receptive, expressive, and pragmatic language skills were slightly below age-expectancy at that time.

9. On February 12, 2025, speech language pathologist Kristina Kouris issued a speech and language assessment report after evaluating claimant. Kouris observed claimant and administered a standardized test of her receptive and expressive language skills. Claimant's scores fell within the average range. Kouris concluded that claimant's receptive, expressive, and pragmatic language skills were "age appropriate and not of concern at this time." She found claimant did not meet criteria for special education services under the Speech or Language Impairment category.

10. The school district reviewed claimant's need for special education services and school psychologist Ashley Vargas issued a Preschool Psychoeducational Report on March 18, 2025. At that time, claimant was attending preschool and receiving specialized academic instruction and speech language services. Vargas reviewed records, administered standardized assessment tools and rating measures, observed claimant, and interviewed claimant's parent and teachers.

a. Cognitive Abilities: Vargas concluded that claimant's cognitive abilities were in the above-average and average range, based on the results of a standardized test of cognitive abilities (score in the high average range); a developmental checklist completed by claimant's parent (above average range on cognitive scale); and a developmental checklist completed by teachers (average range on cognitive skills).

b. Behavior and Social-Emotional Skills: Vargas concluded that claimant "does not exhibit behavioral or social-emotional deficits that are impacting her ability to learn," and her social-emotional skills are within the average range, based on formal assessment measures, observation by the psychologist, interviews, and rating scales.

Claimant scored in the average range on the social-emotional portion of a standardized test. On a rating scale for behavioral characteristics associated with autism, claimant's parent noted many such behaviors, but claimant's teachers did not. On the social-emotional scale of a developmental checklist completed by claimant's parent, the score was in the below-average range, signifying some difficulties expressing needs, interacting with others, and adhering to societal norms. The same checklist completed by claimant's teachers had a score in the average range.

Vargas discussed the differences between the ratings provided by claimant's parent and teachers and claimant's score on the testing. Vargas noted that parents and teachers often provide different ratings on such scales, because the home and school environments are different, raters may have differing expectations, and children may exhibit different behaviors in groups or individual settings.

Vargas also discussed her observations of claimant during the assessment and preschool observation, and the interviews with claimant's parent and teachers.

Considering all these sources of information, Vargas opined that claimant's social-emotional skills were in the average range.

c. Adaptive Skills: Vargas concluded that claimant's adaptive skills were in the average to high average range. On the adaptive behavior scale of a developmental checklist completed by claimant's parent, the score was in the average range. The score on the checklist completed by claimant's teachers was in the high average range.

d. Communication: Vargas noted that claimant's score on the communication (expressive and receptive language) portion of the developmental checklist was in the average range from claimant's parent and teachers.

e. Vargas concluded that claimant did not meet the eligibility requirements for special education services under either the Autism or Other Health Impairment categories.

SARC Eligibility Assessment

11. SARC's interdisciplinary team reviewed documents to determine whether claimant was eligible for ongoing services, and concluded she is not.

The eligibility routing form's comments from the SARC service coordinator noted claimant's ASD diagnosis and receipt of ABA (applied behavior analysis) therapy, but also noted that claimant had exited special education services.

The comments from SARC clinical psychologist Dr. Ivania Molina noted claimant's ASD diagnosis and the finding that she does not qualify for special education under the Autism category. Dr. Molina concluded:

The information reviewed provided evidence of a young child that has greatly improved and has been found to display age appropriate academic skills, learning skills, self-direction, and language skills. Parent report highlighted some concerns with self care and self-direction. It appears that ABA has greatly helped her as well. This information does not provide evidence of a substantial disability & life-long impairment. Her improvement has been marked and her ASD is not causing a disability in at least three areas. They can reapply later. Case closed.

12. At hearing, the SARC representative confirmed that Dr. Molina had also reviewed the recent ABA report and speech therapy report provided by claimant's parents, and these reports did not change the determination.

13. SARC contends that claimant has not shown she has significant functional limitations in three or more areas of major life activity, stating claimant would need to be in the "extremely low" range of adaptive functioning for such a showing.

Claimant's Additional Evidence

14. Claimant's father and mother testified at hearing, and submitted additional documents from claimant's ABA and speech therapy providers.

15. Claimant receives ABA therapy from Joyscape Therapy. An initial assessment report was issued on August 15, 2025.

Claimant's parent completed the Vineland Adaptive Behavior Scales rating tool. The Vineland yielded an adaptive behavior composite score of 78 (below normative mean of 100), with communication rated as an area of strength (standard score of 88) and socialization rated as an area of weakness (standard score of 76).

Joyscape clinicians administered the Early Start Denver Model assessment tool. This assessment identified areas of strength and areas for improvement. Areas for improvement included: cognition, personal independence for chores, personal independence for hygiene, expressive communication, and gross motor skills.

Claimant's ABA treatment plan includes goals in the areas of pragmatic communication (turn taking, tolerance for delays and denials, and transitions); self help and daily living skills; and behavior (tantrums, aggression).

16. Claimant's parents note that the ABA assessment shows claimant is performing below her expected age level in multiple areas. Claimant is working on goals about self-care in ABA therapy, which has been helping her.

17. Claimant receives speech therapy from Seven Bridges Therapy. A treatment plan from October 2025 includes goals for expressive and receptive language, with baseline information provided. For example, claimant has a short-term goal of stating similarities and differences between objects with 80 percent accuracy (baseline was at 60 percent accuracy in October). As another example, she has a short-term goal of using irregular plural words in sentences with 50 percent accuracy (baseline was at 10 percent accuracy in October).

18. Claimant's parents raised concerns about claimant's functioning in the areas of self-care, self-direction, socialization and communication, and learning. They noted that the SARC psychologist conducted a document review and did not observe claimant. Claimant's parents explained that claimant and her sister both engage in "masking" behaviors at school and environments outside the home.

19. Claimant is not toilet trained, and has accidents at school. She needs help with dressing and feeding, and does not communicate a need to eat or drink.

20. Any change in routine disturbs claimant. She recently did not drink any water all day long because her usual water bottle was changed. If her mother is not present, claimant will not eat dinner, because her mother usually feeds her dinner. Claimant is easily overwhelmed and becomes emotionally dysregulated.

21. Claimant has poor safety awareness and requires constant supervision. An adult must constantly hold her hand in public to ensure she stays close. Several

days before the hearing, claimant and her sister both dropped a parent's hand and ran across the street without regard for cars.

22. Claimant has problems following multi-step directions. She does not always initiate interactions with peers, and will ask a person's name again and again.

23. Claimant is an early reader but has shown difficulty learning. She took swimming classes for eight months but stayed at the same level and did not progress.

24. Claimant and her sister received special education in preschool. Since August 2025, they have been in a general education TK class. Claimant's parents report she is struggling more now in school.

25. Claimant has made progress with the support of regional center services and her parents wish for this progress to continue.

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 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.) Lanterman Act services are provided through a statewide network of private, nonprofit regional centers, including SARC. (*Id.*, § 4620.)

2. Claimant bears the burden of establishing that she qualifies under the Lanterman Act for regional center services.

3. A “developmental disability” potentially qualifying a person for services under the Lanterman Act is “intellectual disability, cerebral palsy, epilepsy, [or] autism,” or any other condition “closely related to intellectual disability or [requiring] treatment similar to that required for individuals with an intellectual disability.” (§ 4512, subd. (a)(1); see Cal. Code Regs., tit. 17, § 54000, subd. (a).) The developmental disability must originate before the person turns 18 and must be lifelong. (*Id.*)

4. 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).)

5. Claimant has been diagnosed with the eligible condition of ASD. However, the evidence did not establish that claimant currently has significant functional limitations in at least three areas of major life activity. There are no concerns about claimant’s mobility, and she is too young to consider the areas of capacity for independent living and economic self-sufficiency. Claimant’s parents have raised concerns about claimant’s abilities in self-care, self-direction, communication, and learning. Claimant continues to work on goals in ABA therapy and speech therapy. However, the evidence did not establish that claimant’s deficits in these areas are severe enough to constitute a significant functional limitation for the purposes of Lanterman Act eligibility. Assessments by the school district have shown claimant’s skills in the average range for receptive and expressive language; in the average range for adaptive skills; and no behavioral and social-emotional deficits affecting learning.

Claimant has not shown that she is eligible for ongoing regional center services under the Lanterman Act at this time. Her appeal must be denied.

ORDER

Claimant's appeal is denied.

DATE:

HOLLY M. BALDWIN

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.