

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

In the Matter of:

CLAIMANT

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency

DDS No. CS0031218

OAH No. 2025110079

DECISION

Cindy F. Forman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California, on February 4, 2026.

Tami Summerville, Fair Hearings Manager, appeared on behalf of South Central Los Angeles Regional Center (SCLARC or Service Agency).

Claimant's mother (Mother) appeared on behalf of Claimant. Claimant was not present at the hearing. (The names of Claimant and her family are not used to protect their privacy.)

Testimony and documentary evidence were received, the record was closed, and the matter was submitted for decision on February 4, 2026.

ISSUE

Whether Claimant is eligible for services under the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code, section 4500, et seq., (Lanterman Act) and accompanying regulations. (All further statutory references are to the Welfare and Institutions Code unless otherwise stated.)

EVIDENCE RELIED UPON

The evidence relied upon consisted of testimony by Laurie McKnight Brown, Ph.D., and Mother, as well as Exhibits 1 through 5.

FACTUAL FINDINGS

1. Claimant is a five-and-a-half year old girl who lives with her Mother and two siblings. Mother seeks regional center services based on Claimant's diagnosis of epilepsy.
2. On September 30, 2025, and then again on October 7, 2025, SCLARC issued a Notice of Action informing Mother of its decision finding Claimant ineligible for regional center services under the Lanterman Act. (Exhibit 1.)
3. On October 22, 2025, Mother appealed SCLARC's determination, asserting the regional center had evaluated Claimant's eligibility based on the wrong

condition, i.e., SCLARC had assessed whether Claimant presented with Autism Spectrum Disorder (ASD) or intellectual disability, instead of whether Claimant's epilepsy rendered her eligible for regional center services. (Exhibit 1.)

4. This hearing followed.

Psychosocial Assessment

5. On May 22, 2025, a social worker employed by SCLARC conducted an interview with Mother and reported her findings as part of Claimant's psychosocial assessment. (Exhibit 2.) The social worker considered Mother to be a reliable informant. According to Mother, Claimant was born at seven months, weighing three pounds, nine ounces. Because of her prematurity, Claimant required care in the Neonatal Intensive Care Unit for about three weeks. Mother reported Claimant crawled at seven to eight months, walked at 12 months, and said her first words at 10 to 11 months. Claimant was toilet-trained at three years old.

6. Mother reported Claimant had her first seizure at eight months old. Claimant was diagnosed with epilepsy when she was one and a half years old. Claimant's epilepsy is currently treated with medication, which she takes twice daily. According to Mother, Claimant's seizures have continued despite the medication.

7. Mother reported Claimant has functional use of her upper and lower extremities, and her fine and gross motor skills are intact. She can walk and run without issue and can grasp a pencil. Mother has no concerns about Claimant's balance. Mother also reported Claimant uses eating utensils without spillage and can drink from a regular cup. She can perform personal care activities independently. She is also able to feed herself, wash her face, brush her teeth, put on clothing, and put on shoes.

8. Mother reported that Claimant does not engage in disruptive behavior that negatively impacts her activities or social functioning. Although Claimant has emotional outbursts requiring intervention at least once a day, Claimant does not engage in aggressive or self-injurious behavior. Claimant does not elope or run away. Mother also reported Claimant can communicate her needs, knows some of the alphabet, can count to 13, and knows shapes and colors. According to Mother, Claimant struggles with information retention. At the time of the psychosocial assessment, Claimant had not yet started to attend school.

9. Based on the interview, the SCLARC social worker recommended Claimant undergo a psychological evaluation to evaluate for the presence of Autism Spectrum Disorder (ASD) or intellectual disability, and SCLARC obtain medical records from Claimant's pediatrician and school district for evaluation by the interdisciplinary team to determine Claimant's eligibility for regional center services.

Psychological Assessment

10. Robert Koranda, Psy.D., conducted a psychological assessment of Claimant on June 2 and June 11, 2025. He prepared a report on his findings; the report was undated. (Exhibit 3.)

11. In performing his assessment, Dr. Koranda reviewed the available records, interviewed Mother two times, and administered the Leiter International Performance Scale, Third Edition (Leiter-3), the Autism Diagnostic Interview – Revised (ADI-R), the Social Responsiveness Scale, Second Edition (SRS-2), and the Adaptive Behavior Assessment System, Third Edition, Parent/Primary Caregiver Form (ABAS-3).

12. Based on Dr. Koranda's observations and Claimant's test results, Dr. Koranda did not find Claimant presents with ASD. While personally interacting with

Claimant, Dr. Koranda observed Claimant making good eye contact, initiating reciprocal interaction, and smiling and laughing appropriately. Claimant did not engage in any restricted or repetitive behaviors. Claimant's scores on the SRS-2 were within normal range and not suggestive of impairment or ASD. Mother's responses to questions posed as part of the ADI-R interview indicated Claimant's reciprocal social interaction, communication, and behavior were not consistent with an ASD diagnosis. (Exhibit 4, pp. A19, A30–A31.)

13. Dr. Koranda's testing found Claimant presented with no notable cognitive impairment. Claimant obtained a Nonverbal IQ of 110 on the Leiter-3 Cognitive Battery, placing her in the above average range when compared to age-related peers. (Exhibit 4, p. A30.)

14. Dr. Koranda administered the ABAS-3 to Mother to assess Claimant's ability to manage self-care effectively and independently, interact with others, and meet environmental demands in different settings. Based on Mother's responses, Claimant obtained a general adaptive composite of 104, placing her in the average range. Claimant obtained an average score in each of the ABAS-3 domains: in the conceptual domain, which evaluates skills related to communicating with others, applying academic skills, and accomplishing tasks; in the social domain, which evaluates skills needed to satisfactorily engage in interpersonal interactions and the utilization of leisure time; and in the practical domain, which assesses Claimant's ability to take care of her personal needs and function in the community, in addition to taking care of the home and classroom. Notably, Claimant's skills in performing household tasks, taking care of personal possessions, protecting her health, eating, dressing, grooming, and hygiene were all in the above average range, indicating above average adaptive skills compared to others her age. (Exhibit 3, p. A31–A32.)

15. Based on his testing, observations, and his interview with Mother, Dr. Koranda found no evidence of a developmental disability. He found Claimant did not meet the criteria for ASD, there was no evidence to support the presence of deficits in Claimant's general mental abilities, and no evidence to suggest Claimant presents with deficits in everyday adaptive functioning. Dr. Koranda recommended Claimant continue to take her anti-seizure medication as prescribed and follow up with her treating medical professionals, as clinically indicated. Dr. Koranda also recommended Claimant be assessed for special education eligibility by her school district to determine whether her medical history, specifically her susceptibility to seizures, would impact her access to the educational system.

Testimony by Dr. Brown

16. Laurie McKnight Brown, Ph.D., testified on behalf of Service Agency. Dr. Brown is a California-licensed psychologist and the lead psychology consultant with SCLARC. She is also a member of the eligibility committee that reviewed Claimant's eligibility request and is familiar with Claimant's case.

17. Dr. Brown testified regarding the eligibility requirements to receive regional center services. She explained the Lanterman Act covers five delineated developmental disabilities, of which epilepsy was one. According to Dr. Brown, SCLARC did not dispute that Claimant had epilepsy. Dr. Brown asserted, however, that having a condition covered by the Lanterman Act was insufficient by itself to be deemed eligible for regional center services. According to Dr. Brown, Claimant also had to prove that her eligible condition, epilepsy, caused her to be substantially disabled in three of five areas identified by the Lanterman Act, i.e., mobility, self-care, self-direction, receptive and expressive language, or learning. Dr. Brown testified Claimant failed to demonstrate she was substantially disabled in any of these areas by her

epilepsy. Specifically, neither Mother's observations and reports of Claimant's conduct nor Dr. Koranda's findings demonstrated Claimant's epilepsy caused Claimant to incur substantial deficits in learning, communication, mobility, self-care, or self-direction. Consequently, the SCLARC eligibility team found Claimant to be ineligible for regional center services.

18. During her testimony, Dr. Brown stated that Claimant could reapply for Lanterman Act services if she obtained an Individual Education Plan (IEP) from her school district or additional medical records indicating her epilepsy was causing her difficulty with learning, self-direction, self-care, or communication.

Mother's Testimony

19. Mother agreed that Claimant did not present with ASD or an intellectual disability. She also agreed that Claimant did not have mobility, learning, communication, or social issues. However, Mother testified that Claimant could not be left alone at any time because of her seizures. Mother explained that Claimant could seize at any time, and Claimant would "freeze" when she had a seizure. She therefore needed to be monitored throughout the day. Mother sought regional center services to help her monitor Claimant.

20. Mother also testified that Claimant recently began attending school. The school district is currently evaluating Claimant to determine whether she needs special education services. Claimant does not yet have an Individual Education Plan (IEP).

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LEGAL CONCLUSIONS

1. Jurisdiction exists to conduct a fair hearing in the above-captioned matter, pursuant to section 4710 et seq., based on Factual Findings 1 through 3.

2. Because Claimant is the party seeking governmental services, she bears the burden of proving, by a preponderance of the evidence, that she is eligible for such benefits or services. (See Evid. Code, §§ 115, 500.) Claimant has not met her burden of proving her current eligibility for regional center services.

Applicable Law

3. A developmental disability, as defined by the Lanterman Act, "is a disability which originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." (§ 4512, subd. (a)(1).) The Lanterman Act defines a developmental disability to include intellectual disability, cerebral palsy, epilepsy, and ASD, as well as "disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability," otherwise known as a "fifth category" condition.

4. California Code of Regulations, title 17 (CCR), section 54000, subdivision (c), specifies those conditions that are not considered developmental disabilities. The excluded conditions are:

(1) Solely psychiatric disorders where there is impaired intellectual or social functioning which originated as a result of the psychiatric disorder or treatment given for such a disorder. Such psychiatric disorders include psycho-social

deprivation and/or psychosis, severe neurosis or personality disorders even where social and intellectual functioning have become seriously impaired as an integral manifestation of the disorder.

(2) Solely learning disabilities. A learning disability is a condition which manifests as a significant discrepancy between estimated cognitive potential and actual level of educational performance and which is not a result of generalized [intellectual disability], educational or psycho-social deprivation, psychiatric disorder, or sensory loss.

(3) Solely physical in nature. These conditions include congenital anomalies or conditions acquired through disease, accident, or faulty development which are not associated with a neurological impairment that results in a need for treatment similar to that required for [intellectual disability].

5. To prove the existence of a developmental disability within the meaning of section 4512, claimants must show they have a "substantial disability." CCR section 54001 defines "substantial disability" to mean:

(1) A condition which results in major impairment of cognitive and/or social functioning, representing sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential; and

(2) The existence of significant functional limitations, as determined by the regional center, in three or more of the following areas of major life activity, as appropriate to the person's age:

(A) Receptive and expressive language;

(B) Learning;

(C) Self-care;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living;

(G) Economic self-sufficiency.

6. Claimant has epilepsy, which is an eligible condition for regional center services. However, there is no evidence demonstrating Claimant's epilepsy is substantially disabling as defined by the Lanterman Act and its regulations. Claimant demonstrated no functional limitations in the areas of mobility, learning, communication, self-care, or self-direction. That Claimant may need additional supervision to monitor her seizures is not sufficient to demonstrate she meets the Lanterman Act's substantial disability requirements as set forth in CCR section 54001. Thus, based on the evidence submitted, Claimant is not eligible for regional center services under the Lanterman Act.

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ORDER

Claimant's appeal is denied. Claimant is currently not eligible for regional center services under the Lanterman Act.

DATE:

CINDY F. FORMAN

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.