

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

In the Matter of:

CLAIMANT

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0031393

OAH No. 2025110086

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 June 2023, when she was two and a half 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.

School Records and Assessments

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

8. In October 2023, claimant was evaluated by the school district upon her transition from the Early Start Program. She was found eligible for special education services, and attended a special day classroom from November 2023 to June 2024. Due to her progress, she was placed in the inclusion state preschool program,

receiving specialized academic instruction and speech and language services in the 2024–2025 school year.

9. The school district reevaluated claimant’s need for special education services in an Individualized Education Program (IEP) review in April 2025, with assessments by school psychologist Ashley Vargas, speech language pathologist Kristina Kouris, special education teacher Christina Le, and general education teacher Vicky Rosales.

10. Special education teacher Le wrote a triennial academic assessment report on April 22, 2025, describing her observations and assessment. Le found that claimant demonstrated age-appropriate pre-academic skills; appropriate functional skills such as following directions, joint attention, transitioning between activities, and sitting tolerance; simple social interactions with adults and peers; and use of verbal and non-verbal communication to express needs, wants, and thoughts. Le concluded that these areas of development are considered within age expectations, writing: “There are no significant concerns regarding [claimant’s] development and no area of need is noted at this time.” Le found that claimant no longer required specialized academic instruction.

11. The IEP team issued an IEP document dated April 22, 2025, reflecting the above information from Le as well as information from the assessments of the school psychologist and speech language pathologist.

a. Communication: Claimant was noted to have been in speech group since November 2023, making good progress. An assessment of her communication skills found claimant was no longer eligible for speech and language services.

b. Social-Emotional and Behavioral: Claimant's skills in these areas were evaluated through formal assessment, observation, interviews, and rating scales. The school psychologist found that during the assessment and preschool observations, claimant followed directions, transitioned from activity to activity, sustained attention to tasks, and used verbal communication, eye contact, and gestures.

Claimant's parent reported concerns about claimant's frustration over small things, rigidity, and difficulty with structured activities. She can interact with unfamiliar children and attend to preferred activities. She has some difficulty complying with non-preferred activities.

Claimant's teachers reported that claimant works well in groups and independently. She requires more prompting and repetition to learn new information, and can be slow to respond to instructions, but she does not have difficulty remembering things. She follows directions and classroom routines. Claimant pays attention although sometimes fidgets. She communicates basic needs and sometimes answers questions, and uses non-verbal communication and appropriate eye contact. Claimant plays with other children but prefers to interact with her sister.

The school psychologist found claimant's social-emotional skills were within an average range. Although minor differences were reported in the home environment, they were not found to have an adverse effect on claimant's educational performance.

c. Adaptive / Daily Living Skills: Claimant's adaptive skills were found to be in the average range based on rating scales.

d. The IEP team concluded that claimant had made good progress and no longer required specially designed instruction. Claimant was found not eligible for special education services under the categories of Autism or Other Health Impairment.

SARC Eligibility Assessment

12. 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, and speech therapy through insurance. She 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:

She has age-appropriate pre-academic skills (shapes, colors, letters, [number] recognition) so no learning issues. Good use of language. Good ability to learn skills such as following directions, joint attention, ability to transition. She is also able to play functionally with toys [and] peers. She also has good verbal [and] non-verbal communication. Some scripted language. [Claimant] has some difficulties [with] self-direction – things have to be in order, wants to wear the same outfit (rigid [with] clothes). She has done well in ABA. She has demonstrated the ability to improve drastically. This data does not provide evidence of a life-long disability. Case closed due to no subs[tantial] disability.

13. 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.

14. 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

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

16. Claimant has received ABA therapy from Joyscape Therapy since February 2025. A progress report and treatment plan was issued on August 8, 2025.

Claimant's parent completed the Vineland Adaptive Behavior Scales rating tool in July 2025. The Vineland yielded an adaptive behavior composite score of 78 (below normative mean of 100), with communication rated in the moderate low adaptive level; daily living skills in the moderate low and moderate levels; and socialization in the moderate low level.

Claimant's ABA treatment plan includes goals in the areas of receptive, expressive, and pragmatic communication, and claimant met many of these goals with continuing progress toward other goals. Claimant also has goals for self help and daily living skills, and is continuing to work on most of these goals. Additional goals were added for the self-help skill of identifying another's perspective, and for behaviors to reduce elopement and to "request cessation."

17. Claimant's parents note 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. Claimant has shown improvements in flexibility and less rigidity, and she will now sometimes share with her sister.

18. 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 demonstrating understanding of spatial concept words with 85 percent accuracy (baseline was at 75 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).

19. 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.

20. Claimant is not toilet trained, and has accidents at school. She has problems communicating hunger, thirst, and need to use the toilet. Claimant stated she does not want to "go pee pee" in school, and when asked why she told her parents it was because she had accidents, which brings her anxiety. She then holds her urine more, resulting in more accidents.

21. Claimant becomes emotionally dysregulated when she is overwhelmed, and takes a long time to become regulated. A few months ago, claimant's teacher reported that claimant was crying on the playground but would not explain why. That

night, claimant told her parents that it was because her sister “wouldn’t listen to me.” Claimant has a hard time sharing with her peers and this can cause her to become emotionally dysregulated.

22. Claimant has poor safety awareness and requires constant supervision. For example, claimant went into rose bushes at school and got scratched. An adult must constantly hold claimant’s 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.

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 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 has age-appropriate pre-academic and functional skills; made good progress on

communication skills; has social-emotional skills in the average range; and has adaptive skills in the average range.

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.