

**BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

and

FAR NORTHERN REGIONAL CENTER, Service Agency

DDS No. CS0031872

OAH No. 2025110653

PROPOSED DECISION

Hearing Officer Coren D. Wong, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on January 27, 2026, in Chico, California.

Larry Withers, Associate Director of Client Services, represented Far Northern Regional Center (FNRC), the service agency.

Julia Rogoff, founder of Bright Path, independent facilitators for the Self-Determination Program (SDP), represented claimant. Claimant's mother (Mother) was also present.

Evidence was received, the record closed, and the matter submitted for decision on January 27, 2026.

ISSUE

Is claimant entitled to use funds from his existing SDP budget to replace the subflooring and vinyl covering throughout his home.

FACTUAL FINDINGS

Background

1. Claimant is 14 years old and lives at home with Mother and his siblings. They live in a mobile home in Chico, California. The home has no foundation and is not built on a slab. It is raised four feet off the ground; Mother assumed by cinderblocks, although she has never looked. Skirting around the exterior of the home covers the space between the bottom of the home and the ground.

2. Claimant is eligible for regional center services and supports based on diagnoses of Autism Spectrum Disorder (ASD) and mild intellectual disability (ID). He has been receiving services and supports from FNRC through the SDP for the last three or four years. He is nonverbal, requires 24-hour care, and needs protective supervision. Claimant weighs approximately 300 pounds. He likes to jump up and down and stomp his feet, whether he is angry or not.

3. Mother requested that FNRC fund the replacement of the subflooring and vinyl covering throughout her home with funds from claimant's current SDP budget. FNRC denied the request, although there was conflicting evidence of the date

or the specific reason for the denial. A September 22, 2025 Notice of Action (NOA) and an October 10, 2025 NOA denied the request because “FNRC does not fund repairs or improvements to a private home.” The November 4, 2025 Appeals Tracking Details referenced a November 5, 2025 NOA that denied the request because the repairs would constitute “adding value to the property.”

4. The November 24, 2025 Informal Meeting Decision referenced the September 22, 2025 NOA. Melissa Gruhler, FNRC’s Executive Director, wrote the Decision upholding “the decision which found the replacement of flooring in home of the [family] as the responsibility of the family, and not of Far Northern Regional Center.” She explained that the Regional Center Purchase of Service Guidelines (Guidelines) specify that “physical modifications to the home of a client are the responsibility of the client or their family.” She further explained that the Guidelines provide for an exception when:

- 1) The client has a physical disability that limits their ability to freely access the home environment;
- 2) The need for this service must directly relate to the diagnosis or criteria that qualified the individual for regional center services;
- 3) All other sources of generic and private funding must be exhausted; and
- 4) The service must be a cost-effective use of public funds.

Ms. Gruhler concluded claimant did not qualify for the exception.

5. Lastly, Mother testified that a prior NOA reflected FNRC's agreement to fund the replacement of her flooring and indicated the work had been completed. It was subsequently determined that the reference to work being completed was erroneous, and an amended NOA removing that language but retaining FNRC's agreement to pay for new flooring was issued. Neither of those NOAs were introduced at hearing, and Mother could not recall when either was issued.

6. Nonetheless, it was undisputed claimant appealed FNRC's denial of Mother's request for funding to replace her flooring. Claimant initially requested an informal meeting and mediation, but he subsequently requested a fair hearing.

Additional Evidence

7. Claimant urinated directly on the floor throughout his home prior to becoming toilet trained at age 6. Mother explained she used to follow him around with a shop vacuum and carpet cleaner to clean up after him. Once he became toilet trained, she removed all carpeting and sealed the subflooring with porch paint, a specialized, highly durable coating designed for high-traffic surfaces.

8. Eventually, the years of urine buildup warped the floors, and the porch paint began to peel. The persistent odor of urine became noxious. The flooring poses a serious health and safety hazard to claimant, his family, and anyone who visits the home. Additionally, Mother is concerned he will break the exposed subflooring and fall through when he jumps or stomps his feet. Therefore, she began investigating the cost of replacing the subflooring and adding vinyl floor covering throughout the home. FNRC agreed to use funds from claimant's SDP budget to pay for the repairs. However, she initially concluded she and claimant could not be out of the home the entire time needed to make the repairs. Now, claimant receives personal attendant and respite

services, and Mother explained she can take him somewhere else while the flooring is replaced.

9. Ms. Rogoff testified that she conducted an extensive search for generic resources that could help Mother replace her flooring. She searched for state programs, local programs, nonprofits, and disability grants, but she did not find any that did not require Mother to make "a large financial contribution." Mother cannot afford to do so. Ms. Rogoff was "100 percent sure" she called Habitat for Humanity Yuba/Sutter, although she could not recall why the program did not work for Mother.

10. Tamra Panther is an Associate Director of Client Services at FNRC. She conducted the informal meeting with Mother, claimant, and Ms. Rogoff. Prior to the meeting, she searched for generic resources that may be helpful to Mother. Ms. Panther found a Habitat for Humanity Yuba/Sutter program that provided 0 percent interest loans with monthly payments deferred for 30 years to help qualified homeowners pay for major home improvements. She provided Mother with information about the program at the informal meeting.

11. At hearing, Ms. Panther reiterated FNRC's rationale for denying Mother's request for funding as stated in the Informal Meeting Decision. She explained that the "environmental exception" Ms. Gruhler discussed applies to modifications to make the family home, or parts of the home, accessible to the consumer. Examples of such modifications include building a wheelchair ramp, widening doorways, and installing lift systems to help transfer the consumer to and from his wheelchair, bed, and/or bathtub/shower.

12. The environmental modification must be "related to" the disability or disabilities which qualified the consumer for regional center services and supports. For

example, a wheelchair ramp is related to a consumer's disability when he uses a wheelchair due to cerebral palsy (CP). However, a wheelchair ramp is unrelated to a consumer's disability if he has ID but also uses a wheelchair due to an unrelated disability. Ms. Panther stated that a modification is "related to" a disability if everyone with that disability needs it.

13. Ms. Panther agreed claimant's prior incontinence was a symptom of his ASD. She further agreed that years of him urinating directly on the floor in his home damaged the flooring, necessitates its replacement, and creates a significant health and safety hazard for him and anyone living in or visiting the home. However, she explained FNRC does not pay to repair damage to a consumer's home, even if the damage was caused by symptoms of the consumer's qualifying disability. Doing so would expose it to untold liability by essentially requiring it to indemnify consumers for any damage they cause in public or at home.

14. Ms. Panther agreed FNRC previously paid to fix a window claimant broke and a hole he caused in a wall in his home with funds from his SDP budget. She explained that there was much confusion over which services and supports could be purchased with SDP funds when the program first began. Eventually, FNRC received guidance, and it stopped using SDP funds to purchase some services and supports it used to. Ms. Panther further explained that prior use of SDP funds to purchase a particular service or support does not obligate FNRC to continue doing so, especially if it would be contrary to the Guidelines. She described FNRC as "spenders of state money" who are required "to pay attention to how the money is spent."

Analysis

15. Claimant wants to use funds from his existing SDP budget to replace the subflooring and vinyl covering throughout his home. FNRC argued the Guidelines prohibit him from doing so because SDP funds cannot be used for home renovations. It further argued the environmental exception does not apply because the proposed renovations are for “normal wear and tear” and unrelated to claimant’s ASD or ID. Claimant, on the other hand, argued the renovations are directly related to his ASD because one of his symptoms was incontinence, and his incontinence led to him urinating directly on the floor. The flooring needs to be replaced because years of urine buildup have created a health and safety hazard.

16. It was uncontested that the current condition of the flooring in claimant’s home constitutes a significant health and safety hazard for claimant, his family, and anyone else who visits the home. This hazard interferes with claimant’s ability to access and enjoy his home. However, the hazard is unrelated to his ASD and ID because it was caused by the condition of the flooring and buildup of urine, not either of his disabilities or any of their symptoms. The condition of the flooring and buildup of urine pose a hazard to all who live or visit the home, regardless of whether they are disabled or not.

17. Claimant’s situation is more analogous to Ms. Panther’s example of a consumer with ID and an unrelated disability that requires him to use a wheelchair, rather than the consumer whose CP requires him to use a wheelchair. Although a wheelchair ramp would provide both consumers greater access to their home, the Guidelines allow FNRC to fund installation of the ramp only for the latter. Thus, replacing the flooring in claimant’s home does not fall under the environmental exception because it is unrelated to his ASD or ID, and his appeal should be denied.

LEGAL CONCLUSIONS

Applicable Burden/Standard of Proof

1. Claimant requested permission to use funds in his SDP budget to replace the flooring throughout his home. He has the burden of proving by a preponderance of the evidence that this would be a permissible use of SDP funds. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [the party seeking government benefits has the burden of proving entitlement to such benefits]; Evid. Code, § 115 [the standard of proof is preponderance of the evidence, unless otherwise provided by law].) This evidentiary standard requires claimant to produce evidence of such weight that, when balanced against evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, he must prove it is more likely than not that he is entitled to use funds from his SDP budget to replace the flooring in his home. (*Lillian F. v. Super. Ct.* (1984) 160 Cal.App.3d 314, 320.)

Applicable Law

2. Under the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, § 4500 et seq.), the State of California accepts responsibility for persons with developmental disabilities and pays for the majority of the “treatment and habilitation services and supports” to enable such persons to live “in the least restrictive environment.” (Welf. & Inst. Code, § 4502, subd. (b)(1).) “The purpose of the statutory scheme is twofold: to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community [citations], and to enable them to approximate a pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive

lives in the community [citations]." (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. To determine how an individual consumer is to be served, regional centers are directed to conduct a planning process that results in an individual program plan (IPP) designed to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646, subd. (a); *Assn. for Retarded Citizens v. Dept. of Developmental Services*, *supra*, 38 Cal.3d at p. 389.) The IPP is developed by an interdisciplinary team and must include participation by the consumer and/or her representative. (Welf. & Inst. Code, § 4646, subd. (b).) Among other things, the IPP must set forth goals and objectives for the consumer, contain provisions for the acquisition of services (which must be based upon the consumer's developmental needs), contain a statement of time-limited objectives for improving the consumer's situation, and reflect the consumer's particular desires and preferences. (Welf. & Inst. Code, §§ 4646, subds. (a) & (d); 4646.5, subd. (a)(2); 4512, subd. (b); & 4648, subd. (a)(6)(E).) "The regional center shall secure services and supports that meet the needs of the consumer . . . within the context of the [IPP]." (Welf. & Inst. Code, § 4648, subd. (a)(1).)

4. When deciding whether to purchase a particular service or support, regional centers must consider "the family's responsibility for providing similar services and supports for a minor child without disabilities." (Welf. & Inst. Code, § 4646.4, subd. (A) (4); see also Cal. Code Regs., tit. 17, § 54326, subds. (d)(1).) Ultimately, "the services and supports provided by the regional center should assist each consumer in achieving their personal outcomes and life goals" and "be effective in meeting the goals stated in the [IPP]." (Welf. & Inst. Code, § 4646, subd. (a).) They must be "directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a

developmental disability, or toward the achievement and maintenance of an independent, productive, and normal life.” (Welf. & Inst. Code, § 4512, subd. (b).)

5. One method of delivering services and supports is the SDP. The SDP is “a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning, in order to meet the objectives in their IPP.” (Welf. & Inst. Code, § 4685.8, subd. (c)(6).) The services and supports provided “are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion.” (*Ibid.*)

6. The SDP provides “participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP.” (Welf. & Inst. Code, § 4685.8, subd. (a).) The individual budget is the amount of regional center funding provided “for the purchase of services and supports necessary to implement [the consumer’s] IPP.” (*Id.* at subd. (c)(3).) The consumer creates a spending plan allocating how he will spend his budgeted funds. (*Id.*, at subd. (c)(7).) SDP funds may not be used to purchase services or supports that the regional center would not fund if the consumer was not participating in the SDP. (*Id.* at subd. (m)(1)(A)(ii)(II), (B)(ii).)

Conclusion

7. Claimant did not meet his burden of demonstrating that replacing the flooring throughout his home is a permissible use of his SDP funds. Therefore, his appeal from FNRC’s NOA denying his request to use SDP funds for such purpose should be denied.

ORDER

Claimant's appeal from Far Northern Regional Center's Notice of Action denying his request to use funds from his Self-Determination Program budget to replace the flooring in his home is DENIED. He may not use funds from his SDP budget to pay for that service.

DATE: February 4, 2026

COREN D. WONG

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025110653

Vs.

DECISION BY THE DIRECTOR

Far Northern Regional Center

Respondent.

ORDER OF DECISION

On February 4, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services (Department) takes the following action on the attached Proposed Decision of the ALJ:

The Proposed Decision is adopted by the Department as its Decision in this matter. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4713, subdivision (b), 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.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day February 17, 2026.

Original signed by

Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division