

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

DDS No. CS0032269

OAH No. 2025120337

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on January 21, 2026, in San Leandro, California.

Independent Facilitator Karen Hammond appeared representing claimant, who was not present.

Appeals Specialist Denise Underwood appeared representing service agency Regional Center of the East Bay.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on January 21, 2026.

ISSUE

Must RCEB approve a self-determination program (SDP) spending plan for claimant that allocates \$600 toward purchase of a Kindle Scribe device, in addition to \$600 toward purchase of a mobile telephone?

FACTUAL FINDINGS

1. Claimant is an adult who receives services from RCEB in accordance with the Lanterman Developmental Disabilities Services Act (Lanterman Act). His qualifying developmental disability is autism spectrum disorder.

2. Since December 1, 2025, claimant has selected and directed his own service providers through SDP.

3. Claimant's Individual Program Plan (IPP) identifies significant support needs for claimant when he participates in community activities outside his home. His total certified SDP budget for the year between December 1, 2025, and November 30, 2026, is \$154,041.85. About two-thirds of this budget is for coaching and personal assistance to support claimant in taking college and vocational classes, participating in physical fitness activities, and cultivating personal relationships.

4. In his initial 2025–2026 SDP spending plan proposal, claimant allocated \$3,314.95 from his SDP budget to purchase electronic devices. Specifically, claimant proposed to spend \$2,100 on a mobile telephone and \$1,214.95 on a Kindle Scribe, a stylus-based tablet computer that permits a user to read documents and also to create documents by drawing or writing on its screen.

5. In a letter and Notice of Action in mid-November 2025, RCEB declined to approve an SDP spending plan that allocated these funds for these purchases. Claimant timely appealed.

6. After receiving further information from claimant about his disability-related reasons for needing a mobile telephone, RCEB agreed to a 2025–2026 SDP spending plan that allocates \$600 to purchase this item. As of the hearing date, claimant had not yet bought a telephone, although he planned to do so soon. The evidence does not establish precisely what make and model of mobile telephone claimant plans to buy, or what mobile device applications he intends to install on it.

7. Claimant uses writing, drawing, and doodling as self-regulating strategies. Sometimes he writes lists or observations, or draws, to improve his recall. Sometimes he writes, draws, or doodles simply to occupy his eyes and hands. Claimant’s belief that having writing tools available to him when he is outside his home improves his ability to tolerate stress and stimulation is reasonable and persuasive.

8. According to claimant’s “Life Skills Consultant,” Stephanie Shook, a notebook and pen or other similar pen-and-paper writing tools would not serve claimant’s needs. Shook states that claimant has demonstrated, through past experience, “difficulty tolerating and managing physical paperwork”; she believes that an electronic device “consolidates materials into a single, structured system, significantly reducing cognitive load.” Shook also believes that claimant would be less likely to lose, misplace, or damage an electronic device than to lose, misplace, or damage a notebook and pen. Finally, Shook expects that claimant’s service providers could send communications to him in an electronic format that he could read using an

electronic tablet, rather than sending him paper documents that he would need to organize and retain.

9. Shook's opinions are not persuasive. To the extent that claimant may need to save any of his anxiety-calming writing or drawing, electronic documents require organization for easy retrieval just as paper documents do. An electronic device is more, not less, fragile than a pen and notebook, and it requires regular charging to be useful outside the home. If claimant's service providers communicate electronically with him, he can obtain and organize such communications using a mobile telephone or desktop computer; a third device is as likely to increase disorganization as to decrease it. Claimant will require coaching and assistance to use any communication and information-management strategies effectively, and Shook offers no reason to believe that a Kindle Scribe will make this coaching and assistance any more effective.

10. Claimant's case manager, Zeina Ghazzoui, testified that claimant has never mentioned any interest in an electronic drawing or writing tablet in any service planning meeting. She has encouraged claimant and his family to think creatively about how to choose electronic devices for claimant that will minimize distractions for him and support his stated goal of increasing social interaction outside his home. She does not believe that electronic devices are completely inappropriate for claimant, but believes reasonably that an up-to-date mobile telephone, perhaps along with a notebook and pencils or pens, can serve claimant's needs cost-effectively.

LEGAL CONCLUSIONS

1. As a participant in SDP, claimant has significant personal discretion about how he uses public funds to pay for services and supports that he needs because of his developmental disability. (Welf. & Inst. Code, § 4685.8, subd. (a).)

2. Because claimant uses public funds that are available to him for specific reasons and purposes, however, his discretion even in SDP is not limitless. In particular, as is relevant to the issue in dispute between claimant and RCEB in this hearing, a regional center must exercise supervisory control over both the overall budget available to an SDP participant and how the SDP participant spends those funds. (Welf. & Inst. Code, § 4685.8, subds. (c)(3), (c)(7), (j), (m), (r)(6).)

3. Claimant bears the burden in this matter of establishing that the law requires RCEB to approve an SDP spending plan that allocates funds towards purchase of both a Kindle Scribe and a mobile telephone.

4. Claimant has not met this burden. The evidence does not establish that the additional electronic device claimant wishes to buy will meaningfully and cost-effectively address a need that the items and services RCEB already has approved for claimant's 2025–2026 SDP spending plan do not address.

ORDER

Claimant's appeal is denied.

DATE:

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant
2025120337

OAH Case No. 2025120337

Vs.

DECISION BY THE DIRECTOR

Regional Center of East Bay

Respondent.

ORDER OF DECISION

On January 26, 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 11, 2026.

Original signed by:

Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division