

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

**In the Matter of:**

**CLAIMANT**

**and**

**ALTA CALIFORNIA REGIONAL CENTER, Service Agency**

**DDS Nos. CS0032654, CS0032655**

**OAH Nos. 2025120900, 2025120905**

**DECISION**

Administrative Law Judge Patrice De Guzman Huber, Office of Administrative Hearings, State of California, heard these consolidated matters on April 23, 2026, in Sacramento, California.

Jordan Cody, Legal Services Manager, represented service agency Alta California Regional Center (ACRC).

Claimant's mother represented claimant, who was not present.

Evidence was received, the record closed, and the matter submitted for decision on April 23, 2026.

## **ISSUE**

Under the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code section 4500 et seq. (Lanterman Act), may ACRC fund: (1) Personal Attendant (PA) services for claimant; or (2) claimant's attendance at Little Coyotes Forest Kinder (Little Coyotes)?

## **FACTUAL FINDINGS**

### **Jurisdictional Matters and Background**

1. Claimant is a five-year-old individual who receives regional center services based on his qualifying disability of autism spectrum disorder, with substantial disabilities in the areas of receptive and expressive language, self-care, and self-direction. He lives with his mother and father in their family home in Sacramento, California. Claimant currently receives services in the traditional program, but he is seeking to transition to the Self-Determination Program.

2. In 2025, claimant requested: (1) PA services to assist him in social recreation activities and provide care and supervision during school breaks; and (2) ACRC to fund his attendance at Little Coyotes to help integrate into a group of peers in an indoor/outdoor setting, as a social recreation activity. ACRC denied both requests. Claimant appealed both denials. Each denial and respective appeal are analyzed separately below.

## **Denial of PA Services and Claimant's Appeal**

3. On October 17, 2025, ACRC issued a Notice of Action denying claimant's request for PA services. The Notice states the following reason (grammar and punctuation in original):

[O]ther services are already in place to meet [claimant's] needs. [Claimant] is enrolled in a homeschool program; it is your responsibility as his parents to provide him care and supervision during his homeschooling. He is also reported to receive 283 hours per month of In Home Supportive Services (IHSS), which can be used to meet his care and supervision needs. [He] also receives 120 hours per quarter of in-home agency respite services funded by ACRC. Moreover, PA services are not designed to provide minor children with 24-hour a day care and supervision. Rather, it is your responsibility as his caregiver to provide [claimant] unpaid care and supervision in the few hours per month when he is not receive paid services, such as during school breaks, just as you would provide such for a minor child the same age without disabilities. . . . Funds for social recreation coaching services may be available to assist [claimant] with identified social recreation activities.

4. On December 16, 2025, claimant appealed the Notice. Claimant's mother explained (grammar and punctuation in original):

Incorrect & inaccurate assessment of available resources. Additionally, the alternative services suggested (social recreation coaching), is insufficient. It does not meet [claimant's] hygiene or safety needs, nor does it provide the extensive ongoing support he requires to transition from home to activities outside the home.

## **HEARING TESTIMONY AND EVIDENCE**

5. Denise Salinas, Service Coordinator (SC) at ACRC, testified. She has been claimant's SC since she started working at ACRC in 2021. Her duties include assessing client needs and helping develop an Individual Program Plan (IPP). She reviewed claimant's request for PA services. She accounted for his school hours, sleeping hours, respite of 120 hours per quarter, and IHSS of 283 hours per month. Upon review, there are no hours remaining in claimant's day which could or would be covered by PA services.

6. Nicole Neilsen, Client Services Manager at ACRC, testified. She oversees Ms. Salinas and other SCs. Ms. Neilsen began working at ACRC in 2008 and has held her current position for five years. Like Ms. Salinas, her duties also include helping develop an IPP. She also reviews clients' service requests. She participated in the decision to deny claimant's request for PA services. Ms. Neilsen agrees with Ms. Salinas's calculation that no hours remain that could or would be covered by PA services. Additionally, if claimant is requesting PA services for the purposes of community integration, there are specific services available to meet that goal, such as those provided by Medi-Cal, school district resources, and Applied Behavior Analysis (ABA) therapy through insurance.

7. Claimant's mother disagrees with Mses. Salinas and Neilsen. She testified that claimant's generic resources are inadequate to fully meet his needs. She has a chronic illness, is disabled, and has physical and cognitive impairments and severely limited daily functioning. Claimant's father works from home four out of five days per week and takes care of claimant's physical needs in large part. Claimant's mother contributes what she can to claimant's physical care.

At the time the request for PA services was denied, claimant did not yet have Medi-Cal and was not receiving IHSS. Mses. Salinas and Neilsen confirmed this to be true. Claimant's mother believes the 283 IHSS hours noted in the Notice of Action may be referring to anticipated hours, not actual hours. While claimant now has Medi-Cal, his request for IHSS is still pending determination. At present, he is not receiving IHSS.

Claimant's mother acknowledged that 120 respite hours per quarter are available to claimant, but in reality, claimant does not use all of these hours. It has been challenging to find suitable respite workers who claimant likes and who has enough availability to spend time with him. As a result, claimant uses only a small portion of the approved respite hours.

8. Claimant's mother is advocating for claimant to receive regional center supports to address his actual and current circumstances, which include claimant's mother's disability and limitations, the absence of IHSS, and difficulty using 120 hours of respite. Given these circumstances, claimant's mother believes ACRC must provide the missing supports.

## **ANALYSIS**

9. Claimant is correct that ACRC must take into account his actual and current circumstances in determining which services and supports to provide. (Welf. &

Inst. § 4646.4, subd. (a)(4).) However, while it is undisputed that his request for IHSS is still pending and that he has difficulty finding suitable respite workers to use the approved respite hours, ACRC cannot fund PA services in the interim. A regional center cannot fund services that are otherwise available through generic resources, including Medi-Cal and IHSS, which is the case here. (*Id.* at § 4659, subd. (c).) Accordingly, claimant's appeal must be denied. Nevertheless, if IHSS is later denied or approved but inadequate, or claimant has otherwise exhausted generic resources available to him, he may at such time request regional center services to address his present needs.

### **Denial to Fund Little Coyotes and Claimant's Appeal**

10. On October 17, 2025, ACRC issued a Notice of Action denying claimant's request for ACRC to fund his participation in Little Coyotes. The Notice states the following reason (grammar and punctuation in original):

. . . Little Coyotes [] is an educational preschool program for children through age 6 only, and [] has regular program hours of 9 a.m. to 1:30 p.m. Monday through Friday during the school year. It is the responsibility of [claimant's] school district to meet his educational needs. Since you have chosen to homeschool [claimant] rather than have him attend an on-campus program, it is your responsibility as his parents to provide him appropriate education including integration of [claimant] with his peers in an educational setting, with the resources provided or permitted by the district. And it is notable that the Little Coyotes program can be funded by homeschool charter funds for homeschooled children, like [claimant]. Regional centers

cannot pay for services it is the responsibility of generic resources like school districts to provide.

There are multiple options for [claimant] to participate in actual social recreational activities. Indoors or outdoors. You have not demonstrated that those activities are not sufficient to meet [claimant's] needs.

11. On December 16, 2025, claimant appealed the Notice. Claimant's mother explained (grammar and punctuation in original):

Inaccurate description of the program as an "educational preschool program." This program is a nature play enrichment program, not a preschool or accredited school of any kind.

Misunderstanding/misrepresentation of generic resource (homeschool charter school district) responsibility and coverage. Adequate alternative outdoor social recreation opportunities are not available to my knowledge and have not been identified by ACRC.

## **HEARING TESTIMONY AND EVIDENCE**

12. Claimant's most recent IPP was completed in July 2025, with a supplement in September 2025. His current services include social recreation such as summer camp, gymnastics, music therapy, and equine therapy. His services also include social recreation coaching. Claimant has not yet used these services, in part

due to long waitlists. Additionally, claimant's mother believes the ACRC-approved social recreation does not fit claimant's specific needs and preferences.

13. In contrast, according to claimant's mother, Little Coyotes is "accessible" to claimant. She described the program as low-pressure, movement-based, outdoors, and in a one-to-one or small group setting, which are features that work well with claimant. Claimant's mother disagrees with the Notice of Action and contends that Little Coyotes is a social recreation program, not an educational one. To support her position, she asked Jenna Kohls, Program Director and Lead Forest Mentor at Little Coyotes, by email to provide more information about Little Coyotes. Ms. Kohls emailed the following (grammar, punctuation, and formatting in original):

**Is the Davis Forest School Little Coyotes Forest Kinder program a preschool or a kindergarten?**

We serve children who are preschool, TK and Kindergarten age as a mixed age program.

**Is Davis Forest School accredited as any type of school or academic center?**

We are not accredited as a school or academic center. We are a 501 c(3) non-profit organization.

**What is the primary focus of the Little Coyotes program? Is the program primarily academic?**

Little Coyotes Forest Kinder program is a land-based, fully outdoor, nature play program that emphasizes children's need to learn through exploration, social play, outdoor

learning, and nature connection. Our class consists of children from mixed age groups, forest mentors and participating parents- all of which enhance children's context of community support and socio-emotional development.

[¶] . . . [¶]

**Aside from schedule, what are the differences between the little coyotes program and the DFS [Davis Forest School] school program?**

The main difference between our school-age program offerings and Little Coyotes is that in Little Coyotes we focus more on the development of social skills, self care routines, conflict resolution, how to enter and engage in play, foster "deep play" (or extended and uninterrupted play periods), and offer practical life skills such as campfire cooking, simple chores, building and extinguishing a fire, resiliency in all types of weather, and community meals.

**Aside from schedule, what is the difference between the Little Coyotes program and your summer camp?**

Our Little Coyotes program is a full, 10 month school-year, which allows the children, participating parents, and forest mentors to grow close and feel deeply connected to one another. Our lead Forst Mentors grow to know and understand the needs of each child on a personal level, and

conduct optional parent conferences twice a school year. The children in our Little Coyotes program experience weather of all seasons, watch the subtle (and dramatic) transitions of the seasons take place, and grow a deep relationship with the plants and wildlife found at the nature preserve.

**Would you consider Little Coyotes to be a social recreation, enrichment, or extracurricular program?**

I would describe Little Coyotes as a social learning environment that is utilized by some families in small doses (as more of a recreation/enrichment/extracurricular activity), and by others as their child's main program for learning fundamental socio-emotional development skills.

Ms. Kohls did not testify.

14. However, based on their review of the Little Coyotes website, Ms. Salinas and Neilsen concluded Little Coyotes is an educational program, not social recreation. The website describes the program as follows (grammar and punctuation in original, bold italics added):

Little Coyotes Forest Kinder is a land-based program for ages 3–6 that meets outdoors in nature year-round, rain or shine, with locations in Davis, Sacramento (William B Pond), and a new cohort starting up at Folsom Lake (Granite Bay area)!

This program creates a nurturing and gentle transition for children who are taking their first steps beyond the familiar comforts of home. We provide a supportive environment where they can begin to explore and engage with the natural world around them, encouraging a sense of curiosity, independence, and confidence in their early learning journey.

Our *educational approach* revolves around fostering a deep connection between children and the natural world. Throughout the day, our Forest Mentors and children engage in *collaborative learning* experiences that are rooted in our local environment. We believe deeply in a *child-led approach to education*, one that meets children where they are in their development and comfort zones and then allows them to bloom and grow through their connection with nature. There is a lot of playing, exploration, and singing. We have a seasonal *curriculum*, a collection of activities, books, and crafts that support social-emotional literacy, creative expression, and critical thinking skills.

Cohort size for each location is 8–12 children, with 2–3 adults.

The website has a section titled, "2026–27 School Year," which provides the following information, in pertinent part (grammar and punctuation in original, bold italics added):

Little Coyotes Forest Kinder runs in Davis from September 8th, 2026 through June 11th, 2027, and from August 31st, 2026 to June 4th, 2027 in Sacramento and at Folsom Lake. Little Coyotes *classes* are available Monday through Friday in Davis and Sacramento, and Tuesdays and Thursdays at Folsom Lake.

The daily schedule for all days is *9 am to 1:30 pm*, with a flexible pick-up window until 2 pm.

*Enrollment* is customizable to your schedule and your budget, with a few different attendance options. See *tuition* details below. . . .

We are excited to continue our **Parent Participation** program in the *2026–27 school year* in each of our Little Coyotes *classes*. If you're passionate about *early childhood education* and are interested in learning valuable *forest school* skills, we invite you to explore this opportunity, which will also reduce your child's *tuition cost*.

The website also has sections titled, "Davis & Sacramento schedule and tuition options," and "Folsom Lake schedule & tuition," which set forth the yearly tuition costs, monthly payment options, and available discounts. The website also provides information on homeschooled children, using homeschool charter funds, and tuition assistance, which state in pertinent part (grammar and punctuation in original, bold italics added):

Important Note for Families of Children Age 6 and Older

Because school is mandated at age 6 in the state of California, any 6-year-olds enrolled in this program must be legally considered homeschoolers, as we are an enrichment program and not an accredited school. . . .

If your child is signed up with a homeschool charter, you may be able to *use charter funds to pay for tuition* (see below).

#### Using Homeschool Charter Funds

If you want to use homeschool charter funds for Little Coyotes Forest Kinder, you will need to register and pay the deposit up-front, and then make sure to sign up for the payment plan. Then, please let us know that you intend to use charter funds, which charter you are with, and *how much of your tuition will be covered by your charter*. Once we receive confirmation from your charter school, we will modify the payment plan accordingly, and *invoice your charter* monthly. . . .

We are *currently vendors with [charter schools]*

Cottonwood, South Sutter, Sutter Peak, Heritage Peak, Feather River, Visions in Education, Clarksville, Horizon, and Compass. . . .

Please note that *tuition* assistance cannot be combined with the use of charter funds.

## Reparations & Tuition Assistance

At this point, we are able to offer *tuition* assistance of up to 25% off to two families per location. Assistance will be awarded on rolling basis[.]

### **ANALYSIS**

15. Claimant's mother's testimony that claimant would prefer and work well in a program that is low-pressure, movement-based, outdoors, and in a one-to-one or small group setting is credible. It is undisputed that Little Coyotes has those features. However, when all the evidence is considered, Little Coyotes appears to be an educational program. Ms. Kohls's email to claimant's mother is not persuasive as she failed to straightforwardly answer simple questions regarding whether Little Coyotes is a school or an academic or educational program.

In contrast, the Little Coyotes website is given greater weight as it provides the official description of the program. The website describes the program as, among other things, having a "child-led approach to education" and a curriculum. The program's schedule coincides with a school-age child's school day. Notably, Little Coyotes charges tuition, which may be subsidized or covered by homeschool charter funds. The coverage of tuition with homeschool charter funds is persuasive evidence that Little Coyotes is an educational program.

To be sure, an educational program may also develop its students' socio-emotional skills, as Little Coyotes advertises it does, but the greater weight of the evidence establishes it is primarily an educational program. Because Little Coyotes is an educational program that can be funded with generic resources such as school district funds, the regional center cannot fund claimant's participation in it. (Welf. &

Inst. Code, §§ 4644, subd. (b) [“generic agency’ means any agency which has a legal responsibility to serve all members of the general public and which is receiving public funds for providing such services”] & 4648, subd. (a)(8) [“Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services”].) Accordingly, claimant’s appeal must be denied.

Insofar as claimant has social recreation needs, services have already been approved, such as summer camp, gymnastics, music therapy, and equine therapy. Social recreation coaching is also available to claimant.

## **LEGAL CONCLUSIONS**

1. The Lanterman Act governs this case. (Welf. & Inst. Code, section 4500 et seq.) Under the Lanterman Act, regional centers fund services and supports for persons with developmental disabilities.

### **Burden and Standard of Proof**

2. An administrative “fair hearing” to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code §§ 4700–4716.) The burden of proof is on the party seeking government benefits or services. (*Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) In this case, claimant bears the burden of proving, by a preponderance of the evidence, that ACRC must fund PA services or his attendance at Little Coyotes. (Evid. Code, § 115.)

## Applicable Law

3. The Department of Developmental Services (the Department) is the public agency in California responsible for carrying out the laws related to the care, custody and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.) To comply with its statutory mandate, the Department contracts with private, nonprofit community agencies, known as “regional centers,” to provide the developmentally disabled with “access to the services and supports best suited to them throughout their lifetime.” (Welf. & Inst. Code, § 4620.)

4. Welfare and Institutions Code section 4646.4, subdivision (a), provides:

(a) Regional centers shall ensure, at the time of development, scheduled review, or modification of a consumer’s individual program plan developed pursuant to Sections 4646 and 4646.5, or of an individualized family service plan pursuant to Section 95020 of the Government Code, the establishment of an internal process. This internal process shall ensure adherence with federal and state law and regulation, and if purchasing services and supports, shall ensure all of the following:

(1) Conformance with the regional center’s purchase of service policies, as approved by the department pursuant to subdivision (d) of Section 4434.

[¶] . . . [¶]

(4) Consideration of the family's responsibility for providing similar services and supports for a minor child without disabilities in identifying the consumer's service and support needs as provided in the least restrictive and most appropriate setting. In this determination, regional centers shall take into account the consumer's need for extraordinary care, services, supports and supervision, and the need for timely access to this care.

5. Welfare and Institutions Code section 4646.5, subdivision (a)(1), provides:

(a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. For children with developmental disabilities, this process should include a review of the strengths, preferences, and needs of the child and the family unit as a whole. Assessments shall be conducted by qualified individuals and performed in natural environments whenever possible. Information shall be taken from the consumer, the consumer's parents and other family members, the consumer's friends, advocates, authorized representative, if applicable, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the

lifestyle and cultural background of the consumer and the family.

6. Welfare and Institutions Code section 4647, subdivision (a), provides:

(a) Pursuant to Section 4640.7, service coordination shall include those activities necessary to implement an individual program plan, including, but not limited to, participation in the individual program plan process; assurance that the planning team considers all appropriate options for meeting each individual program plan objective; securing, through purchasing or by obtaining from generic agencies or other resources, services and supports specified in the person's individual program plan; coordination of service and support programs; collection and dissemination of information; and monitoring implementation of the plan to ascertain that objectives have been fulfilled and to assist in revising the plan as necessary.

7. Welfare and Institutions Code section 4648, subdivision (a)(8), provides:

In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

[¶] . . . [¶]

(8) Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

8. Welfare and Institutions Code section 4659 provides in pertinent part:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

[¶] . . . [¶]

(c) Effective July 1, 2009, notwithstanding any other law or regulation, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare,

the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. If, on July 1, 2009, a regional center is purchasing that service as part of a consumer's individual program plan (IPP), the prohibition shall take effect on October 1, 2009.

## **PA Services**

9. When all the evidence is considered, as discussed above, ACRC cannot fund PA services at this time when generic resources such as Medi-Cal services and IHSS are still available to claimant. Therefore, claimant's appeal of ACRC's denial of the request to fund PA services is denied.

## **Little Coyotes**

10. When all the evidence is considered, as discussed above, ACRC cannot fund claimant's attendance at Little Coyotes because it is an educational program that can be funded with generic resources such as school district funds. Therefore, claimant's appeal of ACRC's denial of the request to fund Little Coyotes is denied.

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## **ORDER**

Claimant's appeals are DENIED.

DATE: May 1, 2026

PATRICE DE GUZMAN HUBER  
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.