

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

**In the Matter of Claimant**

**and**

**KERN REGIONAL CENTER**

**DDS No. CS0031684**

**OAH No. 2025121078**

**DECISION**

Thomas Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on March 25, 2026, in Bakersfield, California.

Vanessa Webster, Fair Hearing Officer, represented the Kern Regional Center (KRC or Service Agency). Mother represented Claimant. Titles are used to protect privacy.

Note that because the Service Agency removed some exhibits before the hearing, the last four of its exhibits do not match their item number in Case Center. Thus item 17 in Case Center is marked Exhibit 15. Note in addition that Claimant's Exhibit A is out of sequence, and appears as Claimant's item 25 in Case Center.

This matter is governed by the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code sections 4500 through 4885 (Lanterman Act).

Documents and testimony were received in evidence. The record closed and the matter was submitted for decision on March 25, 2026.

## **STATEMENT OF THE CASE**

Funding for part of the day care Claimant receives is from a generic source. The family pays considerably more to an individual caregiver for the specialized in-home day care she provides. Claimant contends the Service Agency should reimburse the family for this specialized care and fund it in the future. The Service Agency has agreed it should ensure that Claimant's day care is completely funded going forward, without contribution from the family, but contends the law does not allow reimbursement.

## **FINDINGS OF FACT**

1. The Service Agency served its Notice of Action (NOA) on October 7, 2025. Claimant timely appealed on November 13, 2025. The NOA included inaccurate information, discussed below.

2. Claimant, four years old, was found eligible for services and supports in July 2025 based on a diagnosis of autism, also called Autism Spectrum Disorder (ASD). In addition, he struggles with dysregulation, emotional and behavioral, that has resulted in several instances of aggression, such as biting, scratching, throwing objects, against Baylee Pritchett, who cares for him at home while his parents are away at work. Claimant is also prone to elopement, at great risk to his safety. Claimant lives at home with siblings, Mother, Father, and one other adult.

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## **August 2025 Initial IPP**

3. Claimant's initial Individual Program Plan (IPP) was prepared and signed on August 19, 2025. It notes Claimant had authorization to receive 211 hours per month of protective services funded by In-Home Supportive Services (IHSS) and an unspecified number of hours of in-home day care funded by Community Connection for Child Care (CCCC). Among "Additional Notes," the IPP states, Exhibit 10, page A183: "Family will move forward in applying for day care through [CCCC], family would like to know if KRC can help with payment." An IPP amendment that Mother signed on January 9, 2026, states that the family would receive 110 hours per week of respite.

## **September 2025 Financial Assistance Request**

4. On September 4, 2025, Mother submitted a completed Financial Assistance Request form. The request provided rough dollar figures for the family's expenses: housing, utilities, food, and others, as well as family income. The request included for the \$450 per week the family was paying Ms. Pritchett for specialized day care. Ms. Pritchett holds a certificate from Cal Ivy Prep, a licensed day care center in Bakersfield. The certificate qualifies Ms. Pritchett to provide day care. Ms. Pritchett is also registered as a Trustline provider. As noted below, Ms. Pritchett raised her rate to \$500 per week at the start of 2026. She testified at the hearing that the rates she has charged are well below what the family would pay other day care providers.

## **Day Care Funding by Generic Resource**

5. Also in September 2025, Mother successfully applied to a generic resource, CCCC, that funded and continues to fund Claimant's day care at \$128.33 per week. CCCC is a California Alternative Payment Program (CAPP) under Welfare and Institutions Code section 10255. CAPP's provide funds to help low-income families pay

for child care. Like other CAPP's, CCCC provides funding at the weekly rate it pays families without regard to whether the child in care is disabled. The rate is set after consideration of the going rate for such services in the region, in this case Bakersfield and the vicinity.

## **Family Income and Expenses**

6. The Service Agency did its due diligence upon receipt of Mother's September 2025 financial assistance request, asking for further information, including regarding income and expenses.

7. Ana Guerra, who testified at the hearing, is the Service Agency's Assistant Director (AD) of Client Services, Early Childhood. On December 15, 2025, Mother emailed AD Guerra an updated Financial Hardship Statement in support of the family's request for day care funding. Mother included information on Claimant's disabilities, his educational program, the lack of after-school services for him, and safety and cost considerations related to his care. In addition, the updated information had details and specific dollar figures regarding the family's income and expenses.

8. To be noted here is that the family's financial position changed significantly in October 2025, as Mother testified at the hearing, going from difficult to "catastrophic." Mother had been in remission, but tests in October 2025 revealed possible cancerous metastases. Her past experience of serious illness, beginning some eight years ago, was in part the cause of her taking a different job with lower wages. Mother is understandably concerned by the strong likelihood that illness will again impede her ability to care for her son, the Claimant, and the rest of the family, and might prevent her from working and generating income, all while increasing her medical expenses substantially, if not indeed catastrophically. As Mother also testified,

the family were already finding it all but impossible to pay their expenses before October 2025, and have had to resort to borrowing and appeals to family for assistance.

## **Request for Reimbursement**

9. In addition to the request for future day care funding, the family's Financial Hardship Statement, updated as of December 15, 2025, included a request for reimbursement of past day care expenses already paid by the family. Mother described, Exhibit E, page B88, the day care services provided up to that time:

From August 2021 through March 2025, [Claimant] attended Cal Ivy Prep, a licensed large childcare center. . . . Despite prior behavioral support, the school determined it could no longer safely meet RJ's needs and required his withdrawal.

. . . His current caregiver, Baylee Pritchett, provides one-to-one supervision during parents' work hours. This care arrangement is compliant with California requirements for exempt care, including TrustLine background clearance.

[Claimant] requires continuous one-to-one supervision due to severe disability-related behaviors, including elopement, aggression, and self-injury. . . . [Ms.] Pritchett . . . must maintain constant physical and visual supervision to keep [Claimant] safe.

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10. The December 2025 updated Financial Hardship Statement set out monthly figures for the family's budget: total monthly income of \$9,560 against total monthly expenses of \$9,920. Monthly income items are: (i) IHSS, \$3,660, (ii) Mother's income, \$2,000; (iii) Father's income: \$3,900. Monthly expenses items are: (i) mortgage, \$2,435; (ii) utilities, \$1,170; (iii) automobile related costs, \$1,000; day care for Claimant, \$1,950, increasing to \$2,166.67 in 2026; (iv) groceries, clothing, and other living expenses, \$1,700; (v) medical co-pays and prescriptions: \$670, increasing after Mother's October 2025 diagnosis; (vi) household services such as cleaning, gardening, pest control, and home warranty, \$445; and (vii) other obligations such as credit card debt and insurance, \$550.

11. Not directly pertinent here, but hindering resolution of the parties' dispute over day care funding was that the October 7, 2025 NOA was incorrect because it understated day care rates. Mother wrote in a March 20, 2026 email to the Service Agency that the correct rates are: \$321.67 per week for 2025 and \$371.67 per week for 2026.

12. The cost of Claimant's day care was \$2,506.10 monthly for the period July through December 2025. Of this total CCCC paid \$556.10 monthly, while the family paid \$1,950 monthly. Because Ms. Pritchett's rate increased \$50 per week in January 2026, the family will be obligated to pay \$2,166.66 per month, while CCCC will continue to pay \$556.10 per month.

### **Full Day Care Funding Going Forward**

13. On March 19, 2026, the Service Agency offered Claimant \$371.67 per week toward Claimant's day care expenses. Claimant's in-home day care would thus be completely funded, as adding \$371.67 to the \$128.33 in weekly funding from CCCC

equals \$500 per week. There were several conditions, including that Claimant's in-home caregiver must meet employment eligibility criteria established by the Service Agency's Financial Management Service (FMS) and must meet clearance requirements and pay for FMS's onboarding and enrollment activities before the Service Agency's funding started.

## **LEGAL CONCLUSIONS**

### **PRINCIPLES OF LAW**

1. Under Evidence Code sections 115 and 500, the standard of proof in this matter is proof by a preponderance of the evidence. Claimant has the burden of proof because Claimant is the party asserting a claim and seeking a change in the status quo. (See, e.g., *Hughes v. Bd. of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9.)

2. Welfare and Institutions Code section 4646.4, subdivision (a)(1), provides that IPP's must adhere to the law and applicable regulations, federal and state, as well as show "Conformance with the regional center's purchase of service policies" as approved by the Department.

3. Welfare and Institutions Code section 4659 states that a service agency must pursue all possible sources of funding for consumers receiving regional center services.

4. Welfare and Institutions Code section 4685 declares that there is "a high priority on providing opportunities for children with developmental disabilities to live with their families . . . ." Subdivision (b)(2) of this statute states that a service agency

must: "Be flexible and creative in meeting the unique and individual needs of families as they evolve over time." Subdivision (c)(1) of the statute states that, to allow disabled children to live at home, a service must give a "very high priority to the development and expansion of services and supports" such as "day care . . . ." Subdivision (c)(6) of the statute states:

When purchasing or providing a voucher for day care services for parents who are caring for children at home, the regional center may pay only the cost of the day care service that exceeds the cost of providing day care services to a child without disabilities. The regional center may pay in excess of this amount when a family can demonstrate a financial need and when doing so will enable the child to remain in the family home.

5. Under the Service Agency's Purchase of Service Guidelines (POS Guidelines), revised March 28, 2024, a family meets the criteria for day care funding if: (i) both parents are employed outside the home; (ii) the child requires specialized care; (iii) such care is not available at usual cost, such as from community organizations; and (iv) the cost of the care is reasonable.

6. The POS Guidelines state, Exhibit 11, page A198: "A retroactive POS should be limited to client emergencies and/or situations that are beyond the Service Coordinators control."

7. The POS Guidelines further state, Exhibit 11, pages A224 and A225:  
  
Philosophically, KRC believes that after school care is a family responsibility. However, we also recognize the need

of families to receive supports in addressing specialized requirements necessitated by the presence of some developmental disabilities. . . .

Typically, KRC will fund only for specialized services or additional supervision required in after school or day care. The family will fund for the regular after school or day care program, as they would have to do with a child who did not have a disability. However, when a family can demonstrate extraordinary financial need . . . , KRC may purchase a portion of the day/after school care that is greater than the portion related to the specialized care.

## **ANALYSIS**

8. Claimant's family demonstrated extraordinary financial need within the meaning of the POS Guidelines. In consequence, the Service Agency reasonably concluded that it was authorized by law and pursuant to the POS Guidelines to fund in the future that portion of Claimant's day care related to his specialized care. The question is whether the Service Agency is authorized to take a step further and reimburse for day care that was provided starting in July 2025.

9. The Service Agency has not yet funded any of Claimant's day care because the family would not agree to funds in the future only, without reimbursement. The total amount of reimbursement the family seeks is \$18,199.98. For half of 2025, for the day care services provided by Ms. Pritchett after Claimant qualified for services under the Lanterman Act in July 2025, reimbursement would amount to \$11,700 ( $\$1,950 \times 6 \text{ months} = \$11,700$ ). For the day care services provided

by Ms. Pritchett so far in 2026, January through March, reimbursement would amount to \$6,499.98 ( $\$2,166.66 \times 3 \text{ months} = \$6,499.98$ ). Total reimbursement would thus amount to \$18,199.98 ( $\$11,700 + \$6,499.98 = \$18,199.98$ ), and, going forward, \$2,166.66 monthly for day care services to be provided by Ms. Pritchett.

10. Like the dispute in *Harbor Regional Center v. Office of Administrative Hearings* (2012) 210 Cal.App.4th 293, 310, "this is not a vendor pay rate dispute;" the issue is whether "to maintain the services that are required by [a service agency's] . . . obligation under the [Lanterman] Act to be flexible and innovative when providing the services called for by . . . disabilities and the unique program . . . devised to ameliorate their effects." The disabilities in that case were described as extreme, whereas it is doubtful Claimant's disability may be so described. Nonetheless the principles there stated by the appellate court apply here. Under this authority, the reimbursement Claimant's family seeks would not violate Welfare and Institutions Code section 4646.4, subdivision (a)(1), or be out of conformance with the Service Agency's purchase of service policies. These points the Service Agency tacitly acknowledged when it agreed to pay for Ms. Pritchett's services in the future.

11. Funds for Claimant's day care will not be borne entirely by the Service Agency. The family pursued and found a separate, generic source of funding, CCCC, as appropriate under Welfare and Institutions Code section 4659. As appropriate under Welfare and Institutions Code section 4685, subdivision (c)(6), moreover, the Service Agency, in providing the funds for Ms. Pritchett's day care services, will be paying only the cost of the day care service that exceeds the cost of providing day care services to a child without disabilities.

12. By funding Ms. Pritchett's services the Service Agency will be acting in accord with the high priority articulated in Welfare and Institutions Code section 4685

to provide opportunity for a child with developmental disabilities, Claimant in this case, to live with his family. So also the funding may be considered, under Welfare and Institutions Code section 4685, subdivision (b)(2), the Service Agency's lawful effort to be flexible and creative in meeting the unique and individual needs of a family whose needs have evolved and, in this case, took a dire direction with Mother's diagnosis in October 2025. Funding Claimant's specialized day care should not in this case be considered a retroactive POS, and appropriate only as an emergency, because from the start, as noted in the August 2025 IPP, the family were requesting purchase of the service.

13. A service agency must, as the steward of public funds, be cautious, concerned with cost-effectiveness. A determination on providing services and supports must, under Welfare and Institutions Code section 4512, subdivision (b), "include consideration of a range of service options . . . and the cost-effectiveness of each . . . ." The POS Guidelines state similarly, Exhibit 11, page A193, that "services selected by the KRC must reflect the cost-effective use of public funds." The Service Agency was appropriately cautious here. At the same time, however, under Welfare and Institutions Code section 4685, subdivision (c)(1), the Service Agency must grant "very high priority to the development and expansion of services and supports . . . [including] day care." Ms. Pritchett's services may be somewhat out of the ordinary, but their purchase is an appropriate and cost-effective expansion of the Service Agency's function.

14. There was one other prime reason for uncertainty on the Service Agency's part. The Service Agency sought the family's agreement but did not receive it because of the unresolved question of reimbursement. Agreement, though, is important. Neither party may dictate to the other a determination on services, not without discussion and cooperation, duly recorded in an IPP. That is the import of

Welfare and Institutions Code section 4646, subdivision (d): IPP's "shall be prepared jointly by the planning team. Decisions concerning . . . services and supports . . . shall be made by agreement between the regional center representative and the consumer or, if appropriate, the parents . . . at the program plan meeting."

**ORDER**

Claimant's appeal is granted.

1. Kern Regional Center shall reimburse Claimant's family \$18,199.98 for the specialized day care service provided by Baylee Pritchett during the period July through December 2025.

2. Kern Regional Center shall fund Claimant's specialized day care services as currently provided by Baylee Pritchett in the amount of \$371.67 per week, PROVIDED:

3. Claimant's in-home, unlicensed day care services shall be subject to continued compliance with (i) Claimant's IPP, (ii) his individual program plan, (iii) determinations in the IPP, as well as (iv) administrative review and POS, Purchase of Service, requirements.

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4. Ms. Pritchett and any caregiver identified to provide the specialized in-home day care services must meet employment eligibility criteria established by Kern Regional Center, including completion of onboarding, enrollment, and clearance requirements, whose costs shall be the caregiver's responsibility.

DATE:

THOMAS LUCERO

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.