BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

and

SOUTH CENTRAL LOS ANGELES REGIONAL CENTER,

Service Agency.

DDS No. CS0031842

OAH No. 2026010610

PROPOSED DECISION

Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter on March 17, 2026, by video conference.

Tami Summerville, Fair Hearings Manager, represented South Central Los Angeles Regional Center (SCLARC or Service Agency).

Claimant did not appear, but was represented by his Mother, and Armida Ochoa Claimant's independent facilitator. (Claimant and Mother are not named in the interest of confidentiality.)

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on March 17, 2026.

ISSUE

Should the Service Agency be ordered to increase Claimant's SDP budget to pay for a social skills program for Claimant, raising the payment rate from $77.60 per hour to $225 per hour, 10 hours per week?

EVIDENCE RELIED ON

In reaching this decision, the ALJ relied upon the testimony of Alex Marquez, Kimberly Molina, Manuela Martinez, Jennifer Petty, and Mother. Documentary evidence relied on included Service Agency's exhibits 1 through 3, and Claimant's exhibits A through G. It should be noted that Claimant's exhibits were duplicated, some out of order, in section Z of Case Center, and were sometimes referenced by the section Z page numbers during the hearing.

FACTUAL FINDINGS

The Parties and Jurisdiction

1. Service Agency determines eligibility and provides funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act), among other entitlement programs. (Welf. & Inst. Code, § 4500 et seq.)

2. Claimant is a six-year-old boy who is eligible for services from the Service Agency because he has Autism Spectrum Disorder (ASD). He participates in the Self Determination Program (SDP).

3. Claimant sought funding for a program denominated as a social skills program, at a rate in excess of the highest rate paid to SCLARC vendors who provide social skills training. According to the Appeals Tracking Details, Service Agency issued a Notice of Action on November 12, 2025, which Claimant appealed the next day. (Ex. 1, p. A3.) That Notice of Action is not in the record, but a written "Notice of Proposed Action" dated November 26, 2025, denying the request, is found in the record. (Ex. 1, pp. A7-A10.) The Notice of Proposed Action asserts that funding the services at the rate in excess of traditional vendors would create a situation where the services would not be "cost neutral," which the Service Agency contends is required by law.

4. The parties attempted to resolve the matter at an informal hearing and a mediation but were not successful. This hearing ensued. All jurisdictional requirements have been met.

Claimant's Background

5. Claimant lives with his parents, twin sisters, and maternal grandmother in the Service Agency's catchment area. (Ex. A, p. B7.) According to Mother, aside from his ASD, Claimant also suffers from Global Developmental Delay, Expressive Language Delay, Developmental Coordination Delay, Sensory Processing Disorder/Sensory Integration Disorder, and Awareness Alteration Transient. (Ex. C, p. B19.) Claimant attends a private school for three hours per day, and he is also homeschooled by his mother for approximately two and one-half hours per day. (Ex. A, p. B9.)

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6. Claimant tends to communicate with simple, one word language. He knows about 250 sight words and can name things around him. He will not communicate much when hungry or thirsty and will not say when he is hurt. He needs support with his decision-making, being unable to make his educational, social, and daily living decisions on his own. (Ex. A, p. B8.)

7. Claimant lacks independence in his day-to-day life. He needs to be supervised when washing his hands, as he will do it too quickly. As of October 2025, he had only started using toothpaste, because it was blueberry flavored. He can dress himself but needs prompts and reminders, complaining it is hard to do when he is not motivated to get dressed. He wears diapers at night. He will not wipe himself after a bowel movement, calling for help from his mother; he does not have a bowel movement at school because he would need help to wipe himself. (Ex. A, p. B11.) He also lacks safety awareness skills. (*Id.*, p. B12.)

8. Claimant's Individual Program Plan (IPP) lists desired outcomes in the areas of Education/Learning, Relationships, and Personal/Emotional Growth. As to the first outcome, Claimant will increase his speech and language skills to better communicate his wants and needs. As to relationships, Claimant will engage in social skills training and activities to better increase his socialization. Finally, Claimant will become more independent in his day-to-day life. (Ex. A, p. B13.)

9. Claimant participates in the SDP, and his current budget, which runs from October 2025 to September 2026, is $157,044. Service Agency funds respite care, personal assistance, and social recreational services, such as Muay Thai lessons, horseback riding, tennis, golf, summer camp. It also funds parent conferences. (Ex. A, pp. B1.) Claimant has been receiving occupational therapy and speech therapy at school. (*Id.*, p. B9.) The school program was described as non-traditional in the sense

that the daily activities are children-led; it has more socialization opportunities than a traditional curriculum.

The Desired Program—"Play.Connect.Grow."

10. Claimant seeks an increase in his SDP budget so he can use the services of "Play.Connect.Grow." (PCG.) Exhibit E is a program description for PCG, and states the firm provides two types of services, one being social-communication skills for younger kids, in one-to-one and/or group settings. The second service is oriented towards teens and adults, and thus not applicable to this case.

11. PCG performs an in-home assessment of a child, to determine if a group setting, one-to-one setting, or a combination of both is appropriate. They examine verbal communication, interactive attention span, social flexibility and non-verbal communication. A minimum interactive attention span is needed for a child to be placed in a group setting.

12. One-to-one sessions are deemed a platform for focusing on specific social skills. The main focus is to sustain shared enjoyment/joint attention, to develop an internal motivation for interaction. Interactive attention span is developed so that the child can keep themselves involved in an activity without the facilitator having to request involvement. Individual goals include shared enjoyment and joint attention, child-initiated interaction, social flexibility, non-verbal communication, symbolic and imagination play, spontaneous language use, and combining gestures, spoken language and social referencing/eye contact. The ultimate goal is to move the child to a social group environment. (Ex. E, pp. B32-B33.)

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13. Group goals include turn taking, sharing, regulating emotions, social communication, negotiating/compromise, social flexibility, and physical regulation. (Ex. E, pp. B33-B34.)

14. Jennifer Petty, who works for PCG, testified in this matter. Ms. Petty is a speech therapist and has worked with PCG for over 15 years. She also is trained in providing ABA services—Applied Behavioral Analysis. She is currently working with Claimant. Petty provides Claimant with real time interventions, seeing him in the home and the community, modeling with interactions.

15. Petty noted that her firm does not provide social intervention in the usual sense, pointing out that the social skills groups that are typically vendored by the Service Agency usually meet one time per week, for approximately one hour. She is working on teaching Claimant to communicate, providing information in small batches. Petty is also working on regulation, teaching Claimant to break things down. Petty attested she has run social skills groups, and she opined that a group program of the usual type won't work for Claimant; he needs individualized intervention.

16. Petty testified that Claimant has been making progress, noting he has been trying new foods, and has been learning to say "no" to food without causing hurt.

The Costs of The Desired Services and of Alternative Services

17. Claimant's service coordinator, Manuela Martinez, described how PCG was evaluated by SCLARC. She noted that social recreation activities provided to Claimant had led to progress. Mother wanted to add PCG to the budget. Because the firm is not a vendor, the Service Agency sought information about PCG. Staff obtained materials, including videos, but some of the videos would not open. Martinez shared

the available materials with the clinical team, which selected a clinician to review the materials. That clinician was a speech pathologist, who felt she was the wrong person to evaluate the program, so another clinician had to be selected by the clinical team. Ultimately, that clinician denominated PCG as a social skills training program, and approved the service, though not the rates for payment.

18. Service Agency has vendors who provide social skills training and they typically function as small groups that meet once per week. One of the vendors charges $77.60 per hour. Another such vendor charges $104 per hour, the top rate for such services. The budgeted amount at the lower rate totaled $40,352 per year if the services were provided 10 hours per week. If the $104 rate were utilized, the total yearly cost would be $54,080.

19. PCG charges $225 per hour for its services. According to Alex Marquez, Service Agency's SDP Program Manager, if SCLARC would fund PCG at that rate, for 10 hours per week as requested, it would increase the budget for social skills training from $40,352 (the total at the lowest rate) to $116,991, an increase of $76,639 for just this service. The total budget would climb from $157,044 to $233,683. If PCG was paid at the rate of $104 per hour, the yearly cost would be $54,080.

The Parties' Contentions

20. As stated in Claimant's appeal, [he] "requested service with Play Connect Grow and was denied the full rate of the Qualified Organization. The Regional Center compared the rate of a qualified provider I intend to utilize with that of another company that does not hold comparable qualifications or required licensing. This comparison is not an appropriate basis for determining rate equity or service value." (Ex. 1, p. A3.)

21. Mother testified that Claimant needs individualized support, and that group process is likely to be useless given her son's dysregulation. She asserted that the desired service meets Claimant's IPP goals, and she believes that the Service Agency misclassified PCG's services.

22. Service Agency contends that funding for services in SDP must be cost neutral, meaning the Service Agency can not pay more than they would have if the consumer was receiving services under the traditional service delivery program. Marquez explained that when budgets are developed they are based off of the expenditures for the previous 12 months, treated as the baseline amount. Changes in circumstances or unmet needs are examined, and this may allow more services to be added, and hence more money would be put into the SDP budget. While normally the Service Agency would look to the median price of the desired services to determine what would be in the SDP budget, in this case Service Agency was willing to use the top billing rate—$104 per hour—to determine how much money could be authorized.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. An administrative hearing to determine the rights and obligations of the parties is available under the Lanterman Act to appeal a regional center decision. (Welf. & Inst. Code, §§ 4700-4716.) (Further statutory citations are to the Welfare and Institutions Code.) Claimant timely appealed the service agency's denial, and jurisdiction to proceed was established.

2. The standard of proof in this case is the preponderance of the evidence because no law or statute (including the Lanterman Act) requires otherwise. (Evid.

Code, § 115.) This standard is met when the party bearing the burden of proof presents evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

3. When one seeks government benefits or services, the burden of proof is on him. (See, e.g., *Lindsay v. San Diego County Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) In this case, claimant is requesting increases in his current funding, or new funding, and therefore he has the burden of proving by a preponderance of the evidence that he is entitled to them.

Applicable Provisions of the Lanterman Act

4. Section 4685.8 governs regional center consumers participating in the SDP. The purpose of the SDP is to provide consumers (also referred to as participants) and their families, within an individual annual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP. (*Id.*, subd. (a).)

5. "Self-determination" is defined in the statute as 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. Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion. (*Id.*, subd. (c)(6).)

6. When developing the individual budget, the IPP team determines the services, supports, and goods necessary for each consumer, based on the needs and preferences of the consumer, and when appropriate the consumer's family, and the effectiveness of each option in meeting the goals specified in the IPP, and the cost

effectiveness of each option, as specified in section 4648, subdivision (a)(6)(D). (*Id.*, subd. (b)(2)(H)(i).)

7. The participant also shall utilize the services and supports available within the SDP only when generic services and supports are not available. (*Id.*, subd. (d)(3)(B).) Pursuant to section 4685.8, subdivision (m)(1), the IPP team shall determine the initial and any revised individual budget for the participant using the following methodology:

> (A)(i) Except as specified in clause (ii), for a participant who is a current consumer of the regional center, their individual budget shall be the total amount of the most recently available 12 months of purchase of service expenditures for the participant.
>
> (A)(ii) An adjustment may be made to the amount specified in clause (i) if both of the following occur:
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> (I) The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures, or the IPP team identifies prior needs or resources that were unaddressed in the IPP, which would have resulted in an increase or decrease in purchase of service expenditures.
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> (II) The regional center certifies on the individual budget document that regional center expenditures for the individual budget, including any adjustment, would have

occurred regardless of the individual's participation in the Self-Determination Program.

[¶] . . . [¶]

8. In requiring a regional center to certify its expenditures would have occurred regardless of the consumer's participation in the SDP, it is clear that other provisions of the Lanterman Act not expressly exempted in section 4685.8 still apply to funding determinations within the SDP process.

9. For example, there is nothing in section 4685.8 exempting the Legislature's intention, as set forth in section 4646, subdivision (a), "to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources."

Disposition

10. The appeal must be denied, because authorizing a budget increase of over $76,000 for social skills training would not be "budget neutral." The Service Agency cannot certify on the individual budget document that its expenditures for the individual budget, including any adjustments, would have occurred regardless of the individual's participation in SDP. Further, such expenditures would not have occurred under the traditional service delivery model because PCG's services could not be utilized because it is not a vendor.

11. Claimant argued, essentially, that PCG was not assessed correctly, and that it is not comparable to the typical social skills program. There is no evidence that it should be categorized other than a social skills program, or a service of the type that

would warrant a fee of over $116,000. While it appears from the record that the program offered by PCG is a robust, intensive intervention, likely to assist Claimant in socialization and community integration, the full cost of the program can not be authorized.

ORDER

Claimant's appeal is denied.

DATE:

JOSEPH D. MONTOYA
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026010610

Vs.

DECISION BY THE DIRECTOR

South Central Los Angeles Regional Center

Respondent.

ORDER OF DECISION

On March 27, 2026, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Proposed Decision is adopted by the Department of Developmental Services 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 4712.5, subdivision (a)(1), 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 April 14, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026010610

Vs.

RECONSIDERATION ORDER, DECISION BY THE DIRECTOR

South Central Los Angeles Regional Center,

Respondent.

RECONSIDERATION ORDER

On April 29, 2026, the Department of Developmental Services (Department) received claimant's application for reconsideration of a Final Decision issued by the Director on April 14, 2026.

The application for reconsideration is denied. A review of the Final Decision and record does not support a finding of factual or legal error that would change the Final Decision. The Final Decision remains effective as of April 14, 2026. All parties are bound by this Reconsideration Order and Final Decision.

Each party has the right to appeal the Final Decision to a court of competent jurisdiction within 180 days of receiving the Final Decision.

IT IS SO ORDERED on this day May 12, 2026.

Original signed by

Katie Hornberger, Deputy Director
Division of Community Assistance and Resolutions