

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

In the Matter of:

CLAIMANT

and

FAR NORTHERN REGIONAL CENTER, Service Agency

DDS No. CS0033896

OAH No. 2026020278

PROPOSED DECISION

Administrative Law Judge Jennevee H. de Guzman, a Fair Hearing Officer employed by the Office of Administrative Hearings (OAH), State of California, heard this matter on March 4, 2026, in Chico, California.

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

Julia Rogoff, Independent Facilitator, represented claimant. Neither claimant nor her parents were present.

Evidence was received. The record was held open for claimant to upload the following to Case Center: photos depicting feces stains in claimant's home; person-

centered plan; and documents supporting her request for gardening equipment. The record was also held open for FNRC to upload written objections to claimant's additional evidence.

Claimant uploaded the photos and gardening-related documents to Case Center. Claimant's photos are marked and admitted as Exhibits C through F. Claimant's gardening-related documents are marked as Exhibits G and H. FNRC uploaded written objections to Exhibits G and H. FNRC's written objections are marked as Exhibit 13 and admitted as argument. FNRC objects to the admission of Exhibits G and H into evidence because they are irrelevant and not clinical studies. The objection is overruled. The record closed, and the parties submitted the matter for decision on March 6, 2026.

This matter was consolidated for hearing with OAH Nos. 2026020273 and 2026020257. Separate Proposed Decisions are issued in each matter.

ISSUE

Whether FNRC should be required to include funding in claimant's Self-Determination Program (SDP) budget for a treadmill and related subscription, gardening equipment, carpet cleaning services, and salon services for curly hair.

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. Claimant is 13 years old and lives with her parents and siblings in Oroville, California. She is eligible to receive supports and services from FNRC based

on her qualifying eligibility of autism spectrum disorder (ASD). An Individual Program Plan (IPP) meeting was held on January 15, 2025. Claimant's IPP goals include learning, relaxing, and feeling safe at home.

2. Claimant is enrolling in the SDP and finalizing a budget. During the initial SDP spending plan meeting, claimant requested her SDP budget include funding for several items. The originally requested items include: a treadmill and related subscription; gardening equipment; carpet cleaning services; housekeeping services; and salon services for curly hair.

3. On January 22, 2026, FNRC sent claimant a notice of action (NOA) proposing to deny her request. FNRC proposed to deny claimant's request as follows:

The requested items do not have a disability[-]related purpose and do not serve to ameliorate the developmental disability and are not allowed in the [SDP]. In addition, these items are for a hobby which is also not allowed in the waiver program. Lastly, the items requested are a family responsibility to fund.

4. Claimant appealed the NOA on February 3, 2026. The NOA did not reference claimant's funding request for salon services. At hearing, FNRC acknowledged salon services are included in claimant's appeal. Claimant's appeal initially included housekeeping services, but she rescinded that basis for appeal at hearing. This hearing followed.

FNRC's Evidence

TAMRA PANTHER'S TESTIMONY

5. Ms. Panther, FNRC Associate Director of Client Services, has been employed by FNRC for 31 years and is familiar with the SDP. She explained none of claimant's requested items are deemed specialized services or supports that would alleviate claimant's developmental disability or special adaptations of generic services.

6. Specifically, a treadmill and related subscription are generally related to exercise. Exercise is recommended for all individuals, not just those with a developmental disability. Exercise can be accomplished using a generic resource, namely walking and playing in public spaces. Ms. Panther acknowledged utilizing public spaces may pose safety issues for clients who elope and need extra supervision. She explained, however, other supports are available to address this safety issue. For example, in claimant's mother's situation where she would be responsible for watching multiple children while in public, FNRC can potentially increase in-home respite hours to allow claimant's mother to take her children outside one at a time. Ms. Panther explained FNRC has funded gym memberships, but the basis for that funding was to support community integration rather than for general health reasons.

7. Ms. Panther explained gardening is a hobby and hobby supplies are excluded from SDP funding as set forth by Department of Developmental Services (Department) SDP guidelines. To the extent gardening is claimed to be a therapeutic activity for children with ASD, such a claim must be supported by specific studies clinically determining or scientifically proving the activity is effective or safe for the stated purpose.

8. Carpet cleaning is an expense associated with general home maintenance and falls within the responsibility of all parents. Ms. Panther explained carpet cleaning services required due to a client's behavior are akin to repairs for property damage caused by a client's behavior. Regional centers are generally not responsible for reimbursing a client for property damage resulting from their behaviors. Rather, a more effective solution would be to implement behavior modification techniques to address the underlying behaviors. Here, although feces-stained carpets caused by claimant's sibling may pose unsanitary living conditions, it is not FNRC's responsibility to assume the upkeep of her home. A regional center is not responsible for meeting a client's every need.

9. Salon services are associated with general personal maintenance and hygiene, which falls within the responsibility of all parents with children under the age of 18. Ms. Panther explained if a hair care provider charges a regional center client an extra amount due to a client's ASD-related behaviors, FNRC could possibly reimburse the client for that additional amount. The provider, however, would need to demonstrate their background and qualifications for managing ASD behaviors. Rather, Ms. Panther stated the better approach would be to rehabilitate the client by working with an Applied Behavior Analysis (ABA) to address the behaviors experienced during the salon visit.

DOCUMENTARY EVIDENCE

10. FNRC submitted a Department document entitled "Self-Determination Program (SDP): What can or cannot be paid for and why?" It lists several categories of goods and services, indicates whether it may be included in an SDP budget calculation/spending plan, and explains the reasons why or why not. Under the home and living expenses category, adaptations or improvements to the home that are of

general utility and are not related to the disability-related needs of the participant are not allowed for the following reason:

Housing repair/renovations unrelated to disability needs and typical items that are the responsibility of the homeowner or landlord (for example, aesthetic kitchen remodel, swimming pool, electrician or plumbing services, roofing repairs, HVAC repair, updating appliances)[.]

Under the community integration category, goods and services that are purchased for entertainment are not allowed for the following reason:

Purely recreational activities that do not meet the disability-related needs of the participant and/or their IPP goals and outcomes (for example, entrance tickets for amusement park or similar for the consumer)[.] [¶] The following goods and services cannot be paid for: hobby supplies, television, cable access, DVDs.

Claimant's Evidence

JULIA ROGOFF'S TESTIMONY

11. Ms. Rogoff is claimant's independent facilitator. In this capacity, she has spent approximately 25 hours with claimant and her family in their home.

12. Ms. Rogoff explained claimant is unable to join a gym because she is too young for a gym membership. A treadmill in the family home provides a safe alternative and would allow claimant to exercise under her parents' supervision.

13. Ms. Rogoff stated gardening is a therapeutic activity. Gardening would effectively address claimant's health, sensory, and behavioral needs.

14. Ms. Rogoff explained carpet cleaning must be included in claimant's SDP budget because it is directly related to her sibling's ASD behaviors. Her sibling's ASD-related behaviors cause him to regularly smear his "poop" on the carpet. Claimant needs carpet cleaning services to ensure the family home is free from biohazardous conditions.

15. Ms. Rogoff stated it is "impossible" for claimant's mother to brush and wash matted and tangled curly hair. She stated matted hair is non-hygienic. Ms. Rogoff explained a community member specializes in detangling claimant's type of curly hair. It is a service commonly offered to the African American community. The service can take hours. Sitting through such a lengthy process would cause claimant to "have big behaviors." Although this particular community member does not have specialized ASD training, she has experience with autistic clients and provides a sensory experience to alleviate behaviors during the detangling service. Ms. Rogoff expressed an interest in exploring FNRC's suggested additional behavioral supports for claimant.

DOCUMENTARY EVIDENCE

16. Claimant submitted four photos. One photo depicts a soiled diaper on the carpet, two photos depict feces stains on the carpet, and one photo depicts feces stains on a shower curtain.

17. Claimant also submitted two documents to support her belief that gardening for children with ASD is an evidence-based intervention providing sensory support and behavioral regulation. The first document is a scoping review from the

Journal of Environmental Psychology. It reviewed 36 articles pertaining to the “effect of the natural environment and greenness on behavior, function, and well-being among individuals with autism spectrum disorder.” The second document is an abstract from Urban Forestry & Urban Greening. The abstract summarized an “open pilot study exploring the potentiality of caring [for] local biodiversity in a healing garden as a tool to promote multi-purpose ecosystem services and social benefits.”

Analysis

18. Claimant did not submit sufficient evidence to support SDP funding for a treadmill and related subscription. A treadmill is not a specialized adaptation of a generic support directed toward the alleviation of a developmental disability. To the extent exercise is beneficial to claimant’s health, as it is to everyone, generic resources, such as public spaces, are readily available for physical activity and socialization. Claimant’s use of a treadmill in her home would remove her from the community. Moreover, additional FNRC supports are available to address claimant’s safety while she is in these public spaces.

19. Claimant did not submit sufficient evidence to support SDP funding for gardening equipment. Claimant argues gardening provides a therapeutic benefit to children with ASD but failed to present persuasive evidence supporting her claim. Neither of claimant’s gardening-related documents specifically addressed claimant’s assertion nor established that gardening has been clinically determined or scientifically proven to be an effective therapeutic intervention for children with ASD.

20. Claimant did not submit sufficient evidence to support SDP funding for carpet cleaning services. Although Ms. Rogoff testified claimant’s sibling regularly smears his feces on the carpet, claimant did not present any additional evidence in

support of her request other than the photos. In any event, minor children without disabilities can also have toileting accidents requiring parents to pay for carpet cleaning services. Thus, carpet cleaning services are not a specialized adaptation of a generic service directed toward the alleviation of a developmental disability.

21. Claimant did not submit sufficient evidence to support SDP funding for curly hair salon services. The salon services sought by claimant is not a specialized adaptation of a generic service directed toward the alleviation of a developmental disability. Claimant's proposed provider lacks ASD-related behavioral training or certifications demonstrating her specialized skills and competence in managing ASD behaviors. Rather, she provides her services to the general public. Additional ABA supports may be available to assist with claimant's challenging behaviors, and claimant expressed an interest in exploring these other options.

LEGAL CONCLUSIONS

1. The party seeking government benefits or services has the burden of proof. (*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 FNRC is required to allow her SDP budget to include funding for the requested items. (Evid. Code, § 115.) The term preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of America* (2002) 94 Cal.App.4th 1378, 1388.)

2. Under the Lanterman Act, 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 Department is

charged with implementing the Lanterman Act and is authorized to contract with regional centers to provide the developmentally disabled access to the services and supports needed. (Welf. & Inst. Code, § 4620, subd. (a); *Williams v. State of Cal.* (9th Cir. 2014) 764 F.3d 1002, 1004.)

3. To determine how an individual consumer is to be served, regional centers are directed to conduct a planning process that results in an IPP designed to promote as normal a lifestyle as possible. (Welf. & Inst. Code, § 4646; *Assoc. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 389.) The regional center must then “secure services and supports that meet the needs of the consumer” within the context of the IPP. (Welf. & Inst. Code, § 4648, subd. (a)(1).) Services and supports for persons with developmental disabilities means “specialized services and supports or special adaptations of generic services and supports 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).)

4. Although regional centers are mandated to provide a wide range of services to implement a consumer’s IPP, they must do so in a cost-effective manner. (Welf. & Inst. Code, § 4646, subd. (a).) A regional center is not required to provide every service a consumer or family may request. When purchasing services and supports, regional centers shall ensure utilization of generic services and supports and consider a family’s responsibility for providing similar services and supports for a minor child without disabilities. (Welf. & Inst. Code, § 4646.4, subdivisions (a)(2) & (4).) In addition, regional centers are prohibited from purchasing “experimental treatments, therapeutic services, or devices that have not been clinically determined or

scientifically proven to be effective or safe or for which risks and complications are unknown.” (Welf. & Inst. Code, § 4648, subd. (a)(17).)

5. A Self-Determination Program shall be available to “provide 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).) “Self-determination” means “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).) “Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion.” (*Ibid.*) The SDP specifically obligates the participant to “utilize the services and supports available within the Self-Determination Program only when generic services and supports are not available.” (Welf. & Inst. Code, § 4685.8, subd. (d)(3)(B).)

6. Based on the Factual Findings and Legal Conclusions as a whole, claimant failed to meet her burden of establishing by a preponderance of evidence that her SDP budget include the requested items. A treadmill and related subscription, carpet cleaning services, and salon services for curly hair are not specialized adaptations of a generic service or support directed toward the alleviation of a developmental disability. Generic resources are available for exercise. Carpet cleaning and salon services are expenses that families are responsible for providing to children without disabilities. In addition, the evidence failed to establish that gardening has been clinically determined or scientifically proven to be an effective therapeutic intervention for children with ASD.

ORDER

Claimant's appeal from FNRC's January 22, 2026 Notice of Action is DENIED.

DATE: March 12, 2026

JENNEVEE H. DE GUZMAN

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2026020278

Vs.

DECISION BY THE DIRECTOR

Far Northern Regional Center

Respondent.

ORDER OF DECISION

On March 12, 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 April 1, 2026.

Original signed by
Katie Hornberger, Deputy Director
Community Assistance and Resolutions Division