

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

In the Matter of:

CLAIMANT,

and

WESTSIDE REGIONAL CENTER,

Service Agency.

DDS No. CS0034803

OAH No. 2026030507

DECISION

Erlinda Shrenger, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on July 22, 2026.

Claimant's mother (Mother) represented claimant. (Claimant and her family members are identified by titles to maintain their privacy.)

Ron Lopez, IDEA Specialist, represented Westside Regional Center (Service Agency or WRC).

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 22, 2026

ISSUE

Should Service Agency be required to reimburse Mother \$1,000 for the cost of the 10-session Playday Pediatric Therapy social skills program claimant attended from March 7 to May 30, 2026?

EVIDENCE RELIED UPON

Documentary: Service Agency exhibits 1-18; Claimant exhibits C1-C18.

Testimonial: Sonia Soriano, WRC Quality Assurance Specialist; and Mother.

FACTUAL FINDINGS

Jurisdictional Matters

1. Claimant is a six-year-old female who is eligible to receive regional center services on the basis of Autism Spectrum Disorder accompanied with Intellectual Disability.

2. By a Notice of Action and letter, both dated March 5, 2026, Service Agency notified Mother it denied her request for funding or reimbursement for the \$1,000 cost of the Playday Pediatric Therapy social skills program (PPT program). (Exh. 4, pp. A12-A16.) The PPT program is located within the catchment area of Harbor Regional Center (HRC) but it is not vendored with HRC. The reasons for WRC's denial

of Mother's request are: (1) WRC will not fund services outside of its catchment area, and (2) since the PPT program is not vendored with HRC, WRC cannot obtain a courtesy vendorization from HRC required for WRC to fund the PPT program for claimant. (*Ibid.*)

3. On March 5, 2026, Mother filed a request for mediation to appeal Service Agency's denial. On March 25, 2026, Service Agency held an informal meeting with Mother to discuss her appeal for reimbursement for social skills training. By letter dated April 3, 2026, Service Agency notified Mother that, based on the information she provided, her request for reimbursement was being denied at the informal level. (Exh. 5.) On June 4, 2026, OAH granted Mother's request to add a fair hearing to her appeal. (Exh. 3.) This fair hearing ensued.

4. On June 16, 2026, claimant began her first year as a participant in the Self-Determination Program (SDP). (Exhs. 15, 16.) Mother's request for reimbursement for the PPT program was made before claimant's participation in the SDP. Additionally, claimant completed the 10 sessions of the PPT program as of May 30, 2026. Thus, Mother's reimbursement request is analyzed outside of the SDP, under the traditional model of service delivery.

PPT Program

5. The PPT program uses the PEERS model, which is an evidence-based curriculum for teaching social skills to children. A flyer for the PPT program provides the following general information: "The PEERS® model is an evidence-based program designed to support young children in developing foundational social skills such as taking turns, joining play, understanding social cues, and more -- all through fun, engaging, and developmentally appropriate activities. The program also includes a

parent education component to help support skill generalization at home. This will occur in the last 15- 30 minutes of each session.” (Exh. 14.)

6. The cost of the PPT program is \$1,000 for the entire 10-session program if paid upfront or \$110 per session if paid per session. (Exh. 14.)

7. Beth Monday (Monday), M.A., BCBA, is the founder of Playday Pediatric Therapy. She is a social skills provider but she is not vendored with HRC. (Exh. 7, p. A33.) The PPT program is a social skills class. (*Id.*, p. A29.)

Email Communications

8. In February and March of 2026, email communications ensued between Mother and claimant’s WRC service coordinator, Cindy Roberto, M.A., E.D., M.S., ABA (SC Roberto), regarding Mother’s funding and reimbursement request for the PPT program.

9. On February 18, 2026, Mother sent an email to SC Roberto stating that she wished to enroll claimant in the PPT program. In her email, Mother wrote: “They are vendors of HRC but I am willing to drive [claimant] to the class. I have not been able to find a social skills class for [claimant] within the WRC boundary area. Is this something that can be covered or I can be reimbursed for? Please let me know.” (Exh. 6, p. A24.) The 10-session PPT program that Mother wanted claimant to attend was scheduled to start on March 7, 2026. (Exh. 7, p. A35.)

10. Mother’s statement in her February 18, 2026 email indicating that Monday, the founder of Playday Pediatric Therapy, was a vendor of HRC was mistaken. In an email to Mother sent on February 25, 2026, Monday confirmed she is not a

vendor for HRC. (Exh. 7, p. A33.) Consequently, WRC could not fund the PPT program through a courtesy vendorization from HRC.

11. After it was determined that Monday was not a vendored provider, SC Roberto next researched whether funding through a third-party payor might be possible. On or about February 26, 2026, SC Roberto sent Mother an email suggesting she ask Monday if she is “willing to be vendored through our 3rd party payor. Kinda like being funded through the Financial Management System (FMS) that are connected to SDP. [¶] We work with Miji Health Care Services and Aveanna. The vendor [i.e., Monday] would need to agree and then provide a ‘Future invoice’ [described in the email].” (Exh. 7, p. A33.) Mother made the suggestion to Monday. (*Ibid.*) By email on March 1, 2026, Monday notified Mother, “I am happy to do this, just let me know how.” (*Id.*, p. A31.)

12. Subsequently, SC Roberto learned that the third-party payor process was only for social recreation services and not applicable to social skills services. On March 3, 2026, Mother sent an email to SC Roberto confirming that the PPT program was “a social skills class.” (Exh. 7, p. A29.) SC Roberto sent a reply email to Mother, stating in part: “Unfortunately, the 3rd party vendorization process is for social recreation vendors; however if Beth [Monday] is interested in becoming vendored for social skills with WRC, she can go on this link [included in the email] and complete [the] process to be a vendor.” (Exh. 7, p. A28.) SC Roberto had been informed by Monday that she is a social skills vendor. (Exh. 6, p. A20.)

13. On March 4, 2026, SC Roberto sent an email to Mother, which stated in pertinent part: “I have consulted with a few [WRC] departments and was informed that the reason 3rd party payor is only for social recreation is because the services are recreational and do not require a professional/specialist to work with the individual

receiving services, while social skills are a clinical service and a specialist provides services. An assessment & Progress Report are required every 6 months for social skill[s], while social recreation does not require either.” (Exh. 8, pp. A48-A49.)

14. Later on March 4, 2026, Mother sent an email to SC Roberto stating she did not believe the PPT program would fall under social skills because the program was “only 10 weeks of classes and would not be something that would require any type of progress report or official assessment.” (Exh. 8, p. A47.) However, Mother’s statement in the March 4 email that she did not believe the PPT program “would fall under social skills” contradicts her March 3 email in which she stated the PPT program “is a social skills class.” (See Exh. 7, p. A29.)

15. In her March 4, 2026 email to SC Roberto, Mother stated she would like her request “to be discussed at the [Purchase of Service (POS)] committee. I understand WRC has vendors[;] however finding one that has any opening for [claimant’s] age range and that is anywhere near our home has been next to impossible.” (Exh. 8, p. A47.)

16. On March 5, 2026, SC Roberto sent an email to Mother regarding her consultation with the POS committee. The email stated, in pertinent part:

After consulting with the POS Committee, the HRC list of vendored services was shared with me to provide you. I have highlighted social recreation and social skills services in yellow for you, as it’s a very intensive list that includes all ages. [¶] If you can find a service that fits [claimant’s] social needs, please let me know and I can request a courtesy vendorization from HRC. Once approved, then that vendor

will be vendored with WRC and services can be funded. [¶]
Hopefully this list can support [you] in identifying local
services that will benefit [claimant's] social development.

(Exh. 9, p. A51.)

17. The list of "Harbor Regional Center Service Providers" referenced in SC Roberto's March 5 email was admitted as Exhibit 10. Certain providers on the list are highlighted in yellow. (*Id.*, pp. A53 and A56,)

18. On March 6, 2026, Mother sent an email to SC Roberto regarding her review of the list of HRC providers. In the email, Mother wrote, in part: "Thanks Cindy. I appreciate your efforts but none of those locations are of any help to us. Long Beach and Whittier are just as far and not feasible either. It is just truly disappointing the lack of services she can actually access through the regional center for her needs. And the one time I have found a program that is perfect for her and the funding is denied. I already submitted an appeal to the POS committee decision." (Exh. 9, p. A50.)

19. Mother paid the \$1,000 cost of the PPT program on March 6, 2026. (Exhs. C17 and C18.) As a result, claimant was able to attend the program starting on March 7, 2026. Claimant completed the program on May 30, 2026.

Service Agency Denial

20. Sonia Soriano (Soriano), WRC Quality Assurance Specialist, testified at the hearing. Soriano is familiar with the PEERS model. She explained the PEERS model was developed at UCLA and is an evidence-based curriculum for social skills. Soriano explained that social skills vendors are required to have clinical oversight by a BCBA or other clinical professional, such as an occupational therapist, speech therapist, etc.

21. Soriano testified that the PPT program appears to be a social skills program because it uses the PEERS curriculum and has clinical oversight by a BCBA. Soriano testified regarding the distinction between social recreation and social skills services. She explained that services vendored as social skills have a different funding path from social recreation services. Social recreation services are not required to have clinical oversight and are based on the consumer's wants and interests.

22. Service Agency considered both courtesy vendoring with HRC and the third-party payor process, but neither were available to fund or reimburse for the PPT program. The PPT program is located within HRC's catchment area, but it is not vendored with HRC, which prevents WRC from funding the program through a courtesy vendorization with HRC. Service Agency contends the PPT program is a non-vendored program and "cannot be funded without vendor verification as it is a clinical based service based on formal assessment, goals, and reviews." (Exh. 1, p. A1.)

Mother's Testimony and Evidence

23. Mother testified at the hearing. She is a single parent. Mother contends the social skills services offered through WRC are inaccessible because of the driving distances between the services and her home. Mother noted she does not live near WRC or WRC's vendored providers. Mother contends it has been difficult to find a WRC vendor "that is even remotely close to our home. Most are located in the city of Los Angeles or Santa Monica/Westside area and are not feasible due to the location and traffic." (Exh. 4, p. A9.) Mother also contends it is "very hard to find any kind of group that takes younger children as most are for teens/adults. (*Ibid.*)

24. At hearing, Mother claimed the PPT program is not a social skills program. She presented an email from Beth Monday sent on May 11, 2026, in which

Monday suggested the PPT program is more like social recreation. The email states, in part: "Overall, . . . we are targeting social skills, we are not setting goals and tracking data over the course of time. For that reason it may more likely fit into social rec." (Exh. C16.)

25. Mother contends the PPT program should be considered social recreation because it does not have specific goals, tracking of data, or progress reports. According to Mother, the lessons are done in groups of four children, in a play-based format. The parents, including Mother, drop off their children and then return during the last five to 10 minutes of the class. During those five to 10 minutes, the BCBA debriefs the parents and provides the parents with a printout of that day's lesson, titled "Parent Coached Play Card." (See Exhs. C1-C15.) The Parent Coached Play Cards are for parents to continue working on the lessons at home.

26. Mother reviewed the list of HRC providers sent to her by SC Roberto. (Exh. 10.) Mother noted that some of the providers highlighted by SC Roberto were described as sports clubs, not social skills. (*Id.*, p. A53.) Mother noted that SC Roberto also highlighted socialization training programs. (*Id.*, p. A56.) Mother testified four of the socialization training programs, located in Long Beach, Whittier, Los Angeles, and Culver City, are inaccessible due to their distance from Mother's residence. (*Ibid.*) Mother claimed the last three programs on the list had no social skills program for claimant. (*Ibid.*)

27. Mother testified she paid the \$1,000 cost for the PPT program herself because she did not want claimant to miss the opportunity to attend the program. At hearing, Mother presented the invoice and receipt for her \$1,000 payment. (Exhs. C17-C18.)

LEGAL CONCLUSIONS

1. The Lanterman Act, Welfare and Institutions Code section 4500 et seq., governs this case. (All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.)

2. When an individual seeks government benefits or services, the burden of proof is on the individual. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) 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. In this case, claimant bears the burden of proving by a preponderance of the evidence that she is entitled to reimbursement for the \$1,000 cost of the PPT program paid by Mother. (Evid. Code, § 500.)

4. A regional center's "catchment area" refers to the geographical area within which the regional center provides services specified in its contract with the California Department of Developmental Services (DDS). (Cal. Code Regs., tit. 17, § 50501, subd. (a)(18).)

5. A regional center may purchase services or supports for a consumer from an individual or agency pursuant to vendorization or a contract. (§ 4648, subd. (a)(3).) "Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service." (§ 4648, subd. (a)(3)(A).) California Code of

Regulations, title 17, section 54326, sets forth the general requirements for vendors of the regional center to ensure compliance with laws and regulations governing the service program and the provision of services and supports to people with developmental disabilities.

6. A regional center is required to secure services and supports that meet the needs of the consumer, as determined in the consumer's Individual Program Plan (IPP). (§ 4646, subd. (a)(1).) The determination of which services and supports are necessary for each consumer shall be made through the IPP process. (§ 4512, subd. (b).) The determination shall be based on the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by IPP participants, the effectiveness of each option in meeting the goals stated in the IPP, and the cost-effectiveness of each option. (§ 4512, subd. (b).)

7. In this case, WRC is not required to reimburse Mother \$1,000 for the cost of the PPT program. The PPT program is not vendored with WRC and is located outside of WRC's catchment area. WRC is not required to fund services outside of its catchment area. The PPT program is located within HRC's catchment area but it is not vendored with HRC. Consequently, WRC is unable to obtain a courtesy vendorization from HRC to fund the program for claimant.

8. Additionally, WRC is unable to fund the PPT program through the third-party payor process because the program is for social skills and the third-party payor process only applies to social recreation. A flyer for the program states that it supports young children in "developing foundational social skills." (Factual Finding 5.) Mother described the program to SC Roberto as "social skills" and Monday identified herself as a social skills vendor. (Factual Finding 12.) However, Mother also made

contradictory assertions when she claimed the PPT program was social recreation, and Monday, in an email, attempted to claim the PPT program should be considered social recreation. (Factual Findings 14 and 24.) Because of this contradictory evidence, claimant did not meet her burden of proving by a preponderance of the evidence the PPT program was social recreation that might be funded under the third-party payor process.

9. The Lanterman Act does not specifically authorize retroactive reimbursement of services costs to families in the fair hearing context. The statutes detailing the IPP process suggest that reimbursement is generally not available, particularly where the development of the IPP is supposed to be a collaborative process between the parties and the process necessarily requires prior consideration and approval of any service or support provided to an individual client. Here, Mother unilaterally decided to pay the \$1,000 cost of the PPT program without Service Agency's prior approval and outside of the IPP process. Any reimbursement for doing so was not guaranteed, and Mother bore that risk.

10. Based on the forgoing, claimant's appeal shall be denied as set forth in the Order below.

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ORDER

Claimant's appeal is denied. Service Agency is not required to reimburse Mother \$1,000 for the cost of the 10-session Playday Pediatric Therapy social skills program claimant attended from March 7 to May 30, 2026.

DATE:

ERLINDA SHRENGER

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 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.