

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

**In the Matter of:**

**CLAIMANT,**

**and**

**VALLEY MOUNTAIN REGIONAL CENTER, Service Agency**

**DDS No. CS0035034**

**OAH No. 2026030924**

**DECISION**

Timothy J. Aspinwall, Administrative Law Judge, Office of Administrative Hearings, State of California, serving as a hearing officer, conducted a fair hearing on May 20, 2026, by videoconference from Sacramento, California.

Claimant was represented by his father. The names of Claimant and his father are omitted to protect their privacy and confidentiality.

The Service Agency, Valley Mountain Regional Center (VMRC), was represented by Jason Toepel, Compliance Manager.

Evidence was received, the record was closed, and the matter was submitted for decision on May 20, 2026.

## **ISSUE**

Is VMRC required to fund private tutoring services for Claimant up to 20 hours per month?

## **FACTUAL FINDINGS**

### **Jurisdiction and Background**

1. VMRC provides funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act), and other related laws. (Welf. & Inst. Code, § 4500 et seq.)

2. Claimant is seven years of age and qualifies for regional center services based on a diagnosis of autism spectrum disorder (ASD). Claimant was diagnosed with ASD in March 2024, via telehealth by a developmental pediatrics team at Stanford Medicine Children's Health (Stanford Health). Claimant received regional center services through the Golden Gate Regional Center (GGRC) until approximately October 2025, when he moved with his parents to the area served by VMRC.

3. Claimant's father requested that VMRC fund tutoring services up to 20 hours per month. VMRC denied Claimant's request for funding of tutoring services on the grounds that: (1) VMRC is prohibited from using regional center funds for services available through other entities (such as a school district); and (2) Applied Behavioral Analysis (ABA) services rather than tutoring are appropriate to treat ASD. Claimant timely filed a fair hearing request and this hearing followed.

## **Claimant's Evidence**

4. Claimant's father testified that GGRC funded home-based tutoring services for up to 20 hours per month, and that the services were provided through Tutor Me, LLC (Tutor Me). He further testified that the tutoring services were framed as developmental supports to integrate ABA principles to address Claimant's nonacademic needs.

5. The documents offered in evidence do not show specifically what tutoring services were approved and funded by GGRC. First, the GGRC Individual Program Plan (IPP), dated April 2025, does not state what services GGRC would fund. Those portions of the IPP are blank. Second, a written assessment and description of proposed services on Tutor Me letterhead includes academic objectives without reference to developmental supports or other nonacademic needs.

6. GGRC ended funding for tutoring services in October 2025, when Claimant and his family moved from the GGRC to the VMRC service area. Claimant went without tutoring from October 2025 until March 2026, when Claimant's father contracted for private tutoring through Club Z In-Home Tutoring Services (Club Z), for which Claimant's father paid with his own funds.

7. Club Z provides in-person private tutoring after school hours. Claimant's current school does not offer tutoring after school hours. The problem with the school tutoring is that it is provided in a shared setting, which is distracting to Claimant.

8. During the April 2026 VMRC IPP meeting, Tania Campos, a VMRC program manager, offered to attend an Individualized Education Program (IEP) meeting with Claimant's father. Claimant's father thinks this is a "great idea," though he does not believe it would make any difference because VMRC and the school

district are different entities. He does not think it would be beneficial to have another IEP meeting with Ms. Campos present, and does not see “any value in this so-called support.”

9. Claimant is not receiving ABA services. These stopped in October 2025, when he moved from the GGRC to the VMRC service area. Claimant’s father is currently seeking ABA services through Claimant’s health insurance. The problem he is encountering is that the ABA providers tell him they do not have staff in his geographic area.

## **VMRC’s Evidence**

### **TESTIMONY OF TANIA CAMPOS**

10. Ms. Campos is employed as a program manager and has been employed at VMRC for approximately 13 years. One of the reasons VMRC denied Claimant’s request for tutoring services is that schools are required to provide a free appropriate public education (FAPE), including tutoring if necessary to meet a student’s special education needs. The services provided by a school are an outside source of funding (or generic resource).

11. In Ms. Campos’s experience, families sometimes do not know all their rights regarding FAPE. VMRC offered to attend IEP meetings with Claimant’s father to advocate for Claimant. In Ms. Campos’s view, tutoring through Claimant’s school is a resource that has not been fully utilized or exhausted.

12. Another reason for VMRC’s denial of Claimant’s request for tutoring services is that academic tutoring is not typically considered a form of therapy to treat ASD. To Ms. Campos’s understanding, ABA is a more appropriate service to treat ASD.

13. Ms. Campos reviewed the Stanford Health assessment and recommendations. The Stanford Health team recommended: (1) special education services with the goals of building socialization skills and communication to be included in an IEP; (2) ABA treatment to enhance behavior management; and (3) other treatments including speech and occupational therapy.

### **TESTIMONY OF CHRISTIE STIEHL**

14. Mx. Stiehl is credentialed as a Board Certified Behavior Analyst (BCBA). Mx. Stiehl has held that credential for approximately eight years, and has been employed by VMRC for approximately two years.

15. Mx. Stiehl did not evaluate or treat Claimant. Mx. Stiehl's testimony is based on a review of the documents in this matter, and their training and experience as a BCBA.

16. ABA services can be used to address maladaptive behaviors related to ASD, and to assist with development of emotional skills. Tutoring is not an accepted method to address behavioral deficits related to ASD.

17. Mx. Stiehl reviewed the Club Z website. Club Z provides in-home and online tutoring, and does not list therapeutic services. The Club Z website states that it works with children who have learning disabilities including Attention-Deficit/Hyperactivity Disorder (ADHD). It does not state that they treat developmental disabilities such as ASD.

18. Learning disabilities such as ADHD and developmental disabilities such as ASD are categorically different. Learning disabilities can be treated by an education specialist. ASD is a developmental disability that impacts all domains, including

education. ABA is an appropriate treatment for ASD. Tutoring is not an appropriate substitute for ABA services.

19. VMRC offers Behavioral Intervention Services (BIS) through vendorized providers for clients who are not able to access ABA services through generic resources. The BIS providers vendorized by VMRC are BCBAAs. VMRC also vendorizes adaptive skills trainers. These options may be available to Claimant.

### **Analysis of the Evidence**

20. Claimant's father testified sincerely regarding his belief that tutoring is an effective treatment for ASD. However, the weight of the evidence is that ABA services are an effective treatment for ASD, and that tutoring is not a valid substitute. Further, to the extent that tutoring can help manage related learning disabilities, the evidence did not establish that Claimant exhausted the possible tutoring services through the school district.

21. Claimant's father is encouraged to accept Ms. Campos's offer to attend a school IEP meeting with him to address Claimant's needs for tutoring. Ms. Campos offered her assistance, and it would appear to be in Claimant's best interest for Claimant's father to accept that offer. Also, though not directly at issue in this matter, Claimant's father is encouraged to explore the possibility of BIS and adaptive skills training for Claimant through VMRC, while he seeks ABA services.

## LEGAL CONCLUSIONS

### Burden and Standard of Proof

1. In an administrative hearing, 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 VMRC is required to fund tutoring services. (Evid. Code, § 115.)

### Applicable Law

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 State Department of Developmental Services 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. As set forth in Welfare and Institutions Code section 4646, subdivision (a):

It is the intent of the Legislature that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual

and the family, where appropriate. . . . It is the further intent of the Legislature 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.

4. However, a regional center is required to identify and pursue all possible funding sources for its consumers from generic resources, and to secure services from generic sources where possible. (Welf. & Inst. Code, § 4646.4, subd. (a)(2).)

5. 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 these services. (Welf. & Inst. Code, § 4648, subd. (a)(8).)

**Disposition**

6. Considering the Factual Findings and Legal Conclusions as a whole, Claimant did not meet his burden of establishing by a preponderance of evidence that tutoring services are an effective treatment for ASD, or that Claimant has exhausted generic resources including tutoring provided by his school district. For these reasons, Claimant’s appeal must be denied.

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## **ORDER**

Claimant's appeal is DENIED.

DATE: May 28, 2026

TIMOTHY J. ASPINWALL

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.