

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

In the Matter of:

CLAIMANT,

and

SAN ANDREAS REGIONAL CENTER, Service Agency.

DDS No. CS0035540

OAH No. 2026040368

DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, served as the independent hearing officer for this matter on July 27, 2026, by videoconference.

Claimant's parent appeared for claimant, who was not present.

Appeals Resolution Specialist Esmeralda Rivera appeared for service agency San Andreas Regional Center.

The record closed and the matter was submitted for decision on July 27, 2026.

ISSUE

Is claimant eligible under the Lanterman Developmental Disabilities Services Act (Lanterman Act, Welf. & Inst. Code, § 4500 et seq.) to receive services as a San Andreas Regional Center (SARC) consumer?

FACTUAL FINDINGS

1. Claimant was born in September 2019. She lives with her parents and younger siblings.
2. As a toddler, claimant experienced several health problems. Most notably, she had surgery in late 2023 to repair a laryngeal cleft, and has experienced eosinophilic esophagitis. Because these problems affected her oral musculature, they have caused ongoing difficulty for claimant with eating and particularly swallowing. When claimant started transitional kindergarten in 2024, she had an accommodation plan (a "504 plan") for these physical health concerns.
3. Near the end of claimant's transitional kindergarten year, her parents sought a developmental behavioral assessment because of concerns about claimant's self-regulation, social skills, and difficulty adapting to changes in routine. In May 2025, clinical psychologist Jessica Patel, Ph.D., diagnosed claimant with autism spectrum disorder (ASD) and attention deficit hyperactivity disorder (ADHD).
4. Claimant's parents sought Lanterman Act services for claimant from SARC. After an evaluation, SARC notified claimant in March 2026 that SARC's eligibility evaluation team does not believe that claimant qualifies under the Lanterman Act for SARC's services. Claimant timely appealed.

Communication Skills

5. Claimant is able to speak in full sentences, using an age-appropriate vocabulary. She asks and answers questions, describes past events, and states her preferences and needs.

6. Claimant has had speech therapy, focusing primarily on social and pragmatic language skills rather than on articulation, grammar, or vocabulary.

7. Clinicians have diagnosed claimant with dyslexia and an auditory processing disorder, and have recommended interventions at school for her to adapt to or overcome these challenges.

8. Several professionals who have examined or worked with claimant describe her social and pragmatic communication limitations as significant. According to claimant's kindergarten teacher, however, claimant is able to communicate in the classroom in a manner that does not differ markedly from other students. In addition, standardized testing revealed challenges for claimant in reading and writing (consistent with her dyslexia diagnosis), but average abilities in listening comprehension, expressive vocabulary, and oral fluency. Claimant's Individualized Education Program (IEP) does not deem her eligible for special education services on the basis of speech and language impairment.

9. SARC Compliance and Special Projects Manager James Elliott met claimant in person on May 4, 2026. Elliott is not a licensed diagnostic clinician, but he is a trained social worker with more than 20 years' experience serving children with developmental disabilities. He testified that claimant did not demonstrate communication deficits comparable to those that typically exist in children with ASD

whose deficits qualify them for SARC's services, and that such deficits would have been apparent during the time he spent with claimant. This testimony is persuasive.

Learning

10. Standardized testing of claimant's cognitive abilities has not revealed any significant deficits. Her reading and writing skills are very weak by comparison to her peers and classmates, which is consistent with her dyslexia diagnosis. Her numerical and mathematical skills, by contrast, are on par with her peers. The evidence does not establish that claimant's ASD significantly limits her ability to learn.

Self-Care

11. Claimant eats from a very limited menu and receives ongoing occupational therapy related to eating and chewing. Some of her feeding-related challenges stem from the physical health issues summarized in Finding 2, but some stem from sensory sensitivities that relate more closely to her ASD. Despite these feeding-related challenges, claimant is well nourished: she is larger than the 90th percentile for her age in both height and body mass index.

12. Although claimant is toilet-trained, her parent and her pediatrician report that she does not reliably and independently clean herself after toileting. Her pediatrician recommended inclusion of a goal relating to this task in claimant's IEP, which implies that her pediatrician believes claimant's skill is weak for her age.

13. According to claimant's parent, claimant can dress herself only if her clothing is loose, with no zippers or buttons. She also needs assistance to bathe effectively, groom her hair, and clean her teeth. Claimant chooses her clothing.

14. SARC clinical psychologists Anh Weber, Ph.D., and Azelin Ellis, Psy.D., recognize the self-care deficits described in Findings 11 through 13. Their opinion is that these deficits are not significant functional limitations for claimant by comparison to other children her age. This opinion is persuasive.

Self-Direction

15. Claimant lacks even age-appropriate safety awareness. She has injured other children unintentionally at school, and has injured her younger siblings. Claimant's family has installed locks to keep claimant from eloping from their home, but she has occasionally eloped from school and in public.

16. When she is unhappy, or when she experiences a deviation from routine, claimant has age-inappropriate tantrums. According to her teachers and her parent, this behavior occurs more commonly within the family than at school. Claimant receives occupational therapy at her home to help her develop self-calming strategies.

17. According to claimant's teachers and her parent, claimant is very cognitively rigid. She depends on routine and on scripted interactions with other children.

18. Claimant's primary occupational therapist, Rachel Malley, M.S., states that claimant "requires substantially more prompting, structure, environmental modification, co-regulation, and adult assistance than would typically be expected for a child of her age to successfully participate in everyday activities." This opinion is persuasive.

Other Functional Activities

19. No evidence shows claimant to have any unusual difficulty in mobility.

20. Children claimant's age cannot live independently and are not economically self-sufficient. Claimant's ability to perform age-appropriate activities of daily living independently, such as to clean up her toys or get a drink when thirsty, is similar to other children her age.

21. In April 2025 and again in June 2026, pediatricians in the Stanford University Sunnyvale Developmental and Behavior Clinic examined claimant. In a letter in June 2026, pediatricians Elizabeth Barrington, M.D., and Michael Isaiah Montoya, M.D., rated claimant's overall adaptive functioning, as compared to other children her age, on a "Clinical Global Impression" scale. The scale uses 1 for "no functional difficulty" and 7 for "difficulty functioning in almost all parts of life." Dr. Barrington and Dr. Montoya rated claimant at 4 on this scale.

22. Claimant began receiving Applied Behavioral Analysis (ABA) therapy in August 2025. A progress assessment in March 2026 described claimant's overall adaptive functioning as "moderately low," and noted improvements since ABA began in aggression, attention, and social communication.

LEGAL CONCLUSIONS

1. To qualify under the Lanterman Act for SARC's services, claimant must have a substantially disabling developmental disability. (Welf. & Inst. Code, § 4512, subd. (a)(1).) Claimant bears the evidentiary burden in this proceeding of demonstrating her eligibility.

2. Disabilities that qualify under the Lanterman Act as "developmental disabilities" include "intellectual disability, cerebral palsy, epilepsy, and autism." (Welf. & Inst. Code, § 4512, subd. (a)(1).) The Lanterman Act also covers persons with

"disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability." (*Ibid.*) As summarized in Finding 3, the evidence establishes claimant's ASD.

3. A qualifying disability must be "substantial," meaning that it causes "major impairment of cognitive and/or social functioning" through "significant functional limitations, as determined by the regional center, in three or more of the following areas of major life activity, as appropriate to the person's age: (A) Receptive and expressive language; (B) Learning; (C) Self-care; (D) Mobility; (E) Self-direction; (F) Capacity for independent living; (G) Economic self-sufficiency." (Cal. Code Regs., tit. 17, § 54001, subd. (a); see also Welf. & Inst. Code, § 4512, subds. (a)(1), (h)(1).) For a child claimant's age, economic self-sufficiency is irrelevant and capacity for independent living may be emerging (as summarized in Finding 20) but is not well enough developed in any child to permit meaningful assessment.

4. The matters summarized in Finding 19 establish no deficits for claimant in mobility. The matters summarized in Findings 5 through 10 establish no deficits for claimant in learning or communication.

5. The matters summarized in Findings 11 through 14 establish some deficits for claimant, but not significant functional limitations, in self-care.

6. The matters summarized in Findings 15 through 18 establish significant functional limitations for claimant in self-direction, relating to her ASD.

7. Overall, and as summarized in Legal Conclusions 3 through 6 and in Factual Findings 21 and 22, the evidence does not establish that claimant's ASD constitutes a substantial disability for her. For this reason, claimant does not satisfy the Lanterman Act's eligibility criteria for SARC services.

ORDER

Claimant's appeal is denied.

DATE:

JULIET E. COX

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.