

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

In the Matter of Consolidated Matters of:

CLAIMANT

and

INLAND REGIONAL CENTER, Service Agency

DDS No. CS0036590; CS0036595

OAH No. 2026050686; 2026050711

DECISION

Kimberly J. Belvedere, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard these matters on June 24, 2026, in San Bernardino, California pursuant to a June 2, 2026, consolidation order issued by OAH.

Roxanna Soto, Fair Hearings Representative, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

Claimant's mother represented claimant, who did not appear.

Oral and documentary evidence was received. The record was closed, and the matters were submitted for a consolidated decision on June 24, 2026.

ISSUES

Did IRC fail to provide requested behavioral services?

Did IRC fail to provide employment assistance/competitive employment?

SUMMARY

Neither of the requested services have been denied. Claimant is currently scheduled for a behavioral assessment to ascertain what behavioral services/interventions should be provided. The behavioral services are required prior to claimant being able to obtain employment because, due to her behaviors, claimant has been deemed not suitable (by at least one vendor) for employment. Claimant filed a complaint with the Department of Developmental Services (department) pursuant to Welfare and Institutions Code section 4731 over what claimant perceived as delays in services, among other things, and the department concluded that IRC should have issued a Notice of Action (NOA) when those past requests occurred. IRC then erroneously issued an NOA "out of an abundance of caution," despite the fact it had not changed or denied any services, which is what triggers the need for an NOA. Because the NOA was issued, OAH then had jurisdiction to hear the matter. However, given that no services have been changed or denied, there is no remedy OAH can provide, and claimant's appeals are denied.

FACTUAL FINDINGS

1. Documents received in evidence were explained by the testimony of Tamara Turner, claimant's former consumer services coordinator; Stephanie Reynoso

Hernandez, an IRC Program Manager; and Sable Grimes, claimant's current consumer services coordinator.

2. Claimant is a 28-year-old conserved female who resides in the family home with her mother, who is also her authorized representative, and stepfather. She is eligible for regional center services under a diagnosis of mild intellectual developmental disorder (IDD).¹ Claimant's mother has had a limited conservatorship over claimant since 2016.

3. As of 2022, claimant was a consumer of the Eastern Los Angeles Regional Center (ELARC). Claimant's last Individual Program Plan (IPP) at ELARC, dated May 6, 2022, documented that claimant continues to display challenging behaviors, including but not limited to, aggression, temper tantrums, and others. Claimant was receiving behavioral services in 2021, but they were terminated due to claimant's family not being available.

¹ The Lanterman Act was amended long ago to eliminate the term "mental retardation" and replace it with "intellectual disability," as reflected in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5). The more current DSM-5, text revision (DSM-5-TR) no longer uses the term "intellectual disability" and instead refers to the condition as IDD. Many of the regional center forms have not been updated to reflect this change, and during testimony, all of the terms were used interchangeably. Accordingly, for purposes of this decision, as well as all admissible documentary evidence, "mental retardation," "intellectual disability," and "IDD" mean the same thing.

4. Claimant's family moved from the ELARC catchment area to IRC's catchment area in early 2023. An Inter Regional Center Transmittal Document, dated May 9, 2023, reflects that, at the time of the transfer, claimant was in a work activity program through Lincoln Training Center (LTC) and had other services not at issue in this case. The transfer to IRC's catchment area became effective June 1, 2023.

5. Within days of claimant's transfer, consumer ID notes show IRC communicated with claimant's mother regarding claimant's interest in a work activity program like the one that was being provided through LTC. The consumer services coordinator at the time was unsure if similar work activity programs were available but told claimant's mother she would explore options.

6. On June 7, 2023, an IPP meeting was held. An IPP Meeting and Summary document showed claimant's mother requested employment services, hopefully for claimant to gain employment in a warehouse. Referrals were completed for LTC. Email communications show that shortly thereafter, an intake assessment was scheduled by LTC for claimant to determine her suitability for their work activity program, however, a subsequent email communication dated November 22, 2023, showed claimant's "family decided on a different program."

7. Email communications in the summer and fall of 2023 show claimant was also referred to VIP, Inc. (VIP), a work activity program that offers group employment and almost always required full-time employment. An email from IRC to VIP indicated claimant's mother did not want group employment and did not want claimant working full-time, but IRC expressed to VIP that they should keep the referral open in case something changed.

8. Additional email communications throughout late 2023 show claimant was being considered for another employment related program with Caring Circuit Institute (CCI), and that an intake and psychological assessment was required. CCI is a program that provides employment training and placement program that gives consumers the tools they need to succeed in an employment setting first, and also offers competitive employment once that readiness training is completed. Claimant was accepted into CCI effective December 4, 2023. An email in the record from CCI to IRC showed CCI was going to explore internship opportunities for claimant within 30 days.

9. A progress report from CCI dated February 2, 2024, showed claimant began working with a job coach shortly after joining CCI (once placed, CCI works with a consumer to develop and assess job skills to determine appropriate worksite placement). The progress report documented that claimant was "unreceptive" to the coach CCI assigned to her, so she was assigned another coach. The hopes were that the new coach would make a connection with claimant that would improve her behavior. According to the new coach, claimant was responsive and receptive at times, but "still showed a defiant attitude" when asked a question or given a job to complete. The progress report stated that claimant needed to "increase her soft skills before Case manager is ready to place [claimant] at a job site."

10. In August of 2024, claimant had a breakdown and exhibited poor behaviors at CCI. She was suspended from CCI. A document from CCI entitled, "IDT Meeting Report" stated the following:

The purpose of this IDT meeting is to discuss the reaction that [claimant] had when her phone was taken away last week on 8/8/2024. In short, [claimant] showed aggressive

behavior, unresponsive to coaching from staff, refusal to leave CCI with anyone to go home[,] and attempted to destroy CCI property. Case Manager has included statements from three coaches. [Claimant] will not be considered for a [performance improvement plan] until she can show growth in her reactions and behaviors.

11. Thereafter, claimant was provided with two options. First, sign a 90-day behavioral contract with the understanding that if she conducts herself in such a manner again, she will be terminated from CCI. Second, if claimant elected not to proceed with the behavior contract, she would be terminated from CCI. Claimant chose option one, and signed a 90-day behavioral contract. Claimant agreed to CCI's zero tolerance policy for violations such as being absent without leave, displaying aggressive behaviors, engaging in physical contact with others, showing defiance for CCI rules and regulations, and other adverse behaviors.

12. An email from CCI to claimant's then consumer services coordinator, Tamara Turner, dated October 7, 2024, stated claimant was "doing great" in the program and "working hard" on all the curriculum.

13. In an email dated January 2, 2025, claimant's mother expressed to IRC that claimant needs "some therapy for [claimant's] behavior." Less than a week later, on January 9, 2025, Ms. Turner emailed claimant's mother back and told her that the request for behavioral services was referred to the IRC behavioral team, and that Ms. Turner would let claimant's mother know what services might be available based on what she hears. She also advised claimant's mother that generic resources are required to be explored first, and as such, claimant should pursue behavioral services through her insurance. Ms. Turner also correctly indicated to claimant's mother that, as the

payor of last resort, the behavioral team will want to know whether claimant is seeing a psychologist or psychiatrist through her insurance.

14. On January 15, 2025, Ms. Turner followed up with claimant's mother just to let her know she had not yet heard anything from the behavioral team.

15. A consumer ID note dated March 5, 2025, indicated claimant had been accepted for behavioral services, and that the wait time for an IRC vendor was six to eight months.

16. An email dated May 29, 2025, indicated claimant was still on the wait list for applied behavioral analysis (ABA) services.

17. Meanwhile, emails throughout 2025 show claimant continued to work with CCI on her job development skills. A July 21, 2025, developmental Individual Service Plan (ISP) from CCI stated:

[Claimant] demonstrates the ability to communicate effectively, but she occasionally chooses not to utilize this skill, especially during moments of frustration or challenge. She often requires reminders to use her words to appropriately express her feelings and needs. At times, claimant can exhibit a negative attitude and respond disrespectfully to coaches and mentors who are offering guidance. This behavior can create barriers to her growth and limits the support she receives from those around her. While claimant has shown significant progress in many areas, her difficulty in consistently managing her

emotions and communicating respectfully remains a key concern. Addressing this issue will be crucial for her to be considered for opportunities such as a paid internship. With continued support and intentional effort, claimant has the potential to overcome this obstacle and continue moving forward.

18. Thus, claimant's ability to obtain competitive integrated employment remained dependent on her ability to meet the goals stated in her CCI ISP, which included improving communication skills, basic mathematical ability, attitude, listening skills, and others.

19. On August 2, 2025, IRC Behavioral Specialist Pamela Hutt emailed claimant's mother to update her regarding behavioral supports for claimant. In that email, Ms. Hutt related that—due to the wait list—those services would likely not be available until mid-April to May 2026.

20. On January 8, 2026, CCI issued claimant a disciplinary action form (verbal warning) regarding prohibited conduct she engaged in while at a CCI facility. She was warned that continued behavior would result in further disciplinary action or termination from the program.

21. On January 30, 2026, CCI issued claimant a disciplinary action form (written warning) regarding prohibited behavior she engaged in at CCI. She was again warned that continued behavior would result in further disciplinary action or termination from the program. Emails show claimant restarted with CCI in April of 2026.

22. Despite claimant's struggles with CCI and apparent unsuitability for employment until she improved her conduct, claimant's mother emailed Ms. Turner in February 2026 expressing frustration with claimant not yet having a job. The email exchange between Ms. Turner and claimant's mother documented that claimant was free to seek employment on her own, however, she does not appear to be ready to have a job (per CCI). Ms. Turner told claimant's mother that a referral could not be made to another work program unless and until they had a meeting with claimant's mother and claimant, given that claimant's mother had expressed interest in returning to LTC. Ms. Turner explained that LTC is typically janitorial jobs, which claimant's mother had expressed she did not want. Ms. Turner also related to claimant's mother that there are not many employers in the high desert area for appropriate placement, and LTC jobs were typically not only farther away, but the commute would be longer than the job hours she performed. Claimant's mother expressed frustration with the lack of available jobs in the high desert area and a displeasure with Ms. Turner, indicating she would be filing a grievance. Ms. Turner responded that she had copied her supervisor, Ms. Reynoso, on the email and offered claimant the ability to transfer to a new consumer services coordinator.

23. Almost immediately, claimant was assigned to Ms. Grimes, who emailed claimant's mother on February 13, 2026, offering to meet with claimant's mother and claimant in person at their home. Extensive communications between Ms. Grimes and claimant's mother throughout March, April, and May 2026, show claimant's mother made another request for behavioral services, and Ms. Grimes immediately began working on a referral for ABA services. On March 23, 2026, IRC issued an authorization for Howard Chudler & Associates, dba Alora Behavioral Health (Alora), to conduct an assessment for behavioral services.

24. A March 16, 2026, email from claimant's mother stated claimant's mother wanted three behavior providers to "choose from to research and investigate before a referral is submitted." A March 23, 2026, email showed claimant's mother was provided the name and contact information for not just three but six vendors that offer behavioral services and directed claimant's mother to review them and let Ms. Grimes know which one she would like to utilize. After several months, claimant's mother chose Alora as a potential vendor for claimant's behavioral services. An email dated June 15, 2026, from Ms. Grimes, shows Alora has scheduled a behavioral assessment for claimant to ascertain what behavioral interventions it may be able to provide to her.

25. Also in April of 2026, Ms. Grimes sent out emails to multiple vendors regarding supported employment services, given that claimant is still interested in pursuing employment. Ms. Grimes sent referral paperwork to claimant's mother for the Department of Rehabilitation (DOR), which offers employment related services for disabled individuals.

26. On May 27, 2026, claimant had another incident at CCI. An IDT report from CCI stated:

On May 27, 2026, [claimant] arrived at the program in a positive mood and participated appropriately in morning activities. During a classroom assignment review, [claimant] became upset when corrections were marked on her worksheet with a pink marker. Staff explained that the markings were intended to identify incomplete responses that needed further attention. [Claimant] expressed that she did not like the pink markings and became increasingly

frustrated despite staff attempts to provide reassurance and redirection.

As the interaction continued, [claimant] raised her voice, attempted to take paperwork from her coach's hands, and became verbally aggressive toward staff. [Claimant] repeatedly yelled statements including "I hate you" and used profane language directed toward her assigned coach. Staff attempted verbal redirection and sought assistance from supervisory personnel to help de-escalate the situation.

The incident escalated when [claimant] stood up from her seat and threw her stainless-steel tumbler against the wall, causing damage to the wall. She then threw a container holding crayons and colored pencils, scattering materials throughout the office area. While continuing to yell profanities and threats toward her coach, [claimant] picked up the coach's coffee tumbler and threw it in her direction. A staff member intervened and assisted the coach in moving out of the path of the object, preventing any physical injury. The cup landed on the floor, spilling its contents onto the carpet.

The Case Manager responded immediately and intervened to gain control of the situation. [Claimant] was escorted from the office area and taken outside in an effort to de-escalate and regain emotional control. While being escorted

from the area, [claimant] continued to direct profane language toward her coach.

Following the incident, staff worked together to clean the affected area and assess the well-being of all clients and staff who witnessed the event. Several clients appeared visibly shaken and upset by the behavior and were provided support, including walks outside with staff to help them regulate and process the incident. No injuries to clients or staff were reported; however, property damage occurred, including damage to the wall and disruption of the program environment.

Due to the severity of the incident, concerns regarding the safety of [claimant], peers, and staff, and the impact on the program environment, [claimant] was sent home for the remainder of the day. Services were subsequently placed on hold pending an Interdisciplinary Team (IDT) meeting to review the incident, assess contributing factors, and collaboratively determine appropriate supports, interventions, and recommendations regarding future participation in services.

Following a review of the incident that occurred on May 27, 2026, [claimant's] behavioral history within the program, current support needs, and input from all members of the IDT; all parties acknowledged that [claimant] has experienced ongoing challenges with emotional regulation,

coping skills, and behavioral responses to stressful situations. It was further recognized that these challenges have created barriers to achieving her employment and independence goals and have resulted in multiple incidents that have impacted the safety and well-being of [claimant], staff, and peers within the program environment.

[Claimant's] mother shared concerns regarding the lack of behavioral intervention services and expressed her belief that specialized behavioral supports are necessary to help [claimant] develop effective coping strategies, emotional regulation skills, and appropriate responses to frustration and conflict. The team agreed that [claimant] would benefit from a higher level of behavioral support than CCI is able to provide within the scope of its services.

CCI representatives reiterated that the program is designed to provide employment readiness, vocational development, and community integration services and is not equipped to provide intensive behavioral intervention services. Based on the information reviewed, the team collectively agreed that CCI is not currently the most appropriate service setting to meet [claimant's] needs.

As a result, all parties reached a mutual agreement to terminate [claimant's] services with CCI effective June 8, 2026. The team recommends that [claimant] pursue behavioral support services and other specialized

interventions that focus on emotional regulation, coping skills development, behavioral management, and increasing her readiness for future employment and community-based opportunities. . . .

27. An email dated May 22, 2026, shows claimant had an intake scheduled with VIP for possible employment related services. That meeting took place on June 10, 2026, just prior to the hearing. VIP spoke with claimant's family about what the consumer wants and needs and assessed her to decide what program options might be available. That information is taken to a committee at VIP and after a few weeks they can see if there are available options and provide that to IRC. That outcome is pending but expected shortly.

28. In sum, given the above, IRC's position is that it has not denied behavioral services or employment services, and the matter should be dismissed.

Procedural History and Jurisdiction

29. On April 6, 2026, claimant's mother, frustrated with what she perceived was a failure to obtain "competitive employment" for claimant, a delay in providing behavioral services she claimed she requested as early as August of 2024, and the alleged failure to timely issue NOAs, among other things, filed a complaint against IRC with the department pursuant to Welfare and Institutions Code section 4731.

30. On April 22, 2026, the department concluded IRC should have issued NOAs with respect to certain actions. Specifically, the department opined that IRC should have given written notice to claimant regarding what it perceived were requests for behavioral services and employment related requests, even though behavioral services and employment related services had not been denied.

31. On May 11, 2026, claimant filed an appeal request claiming IRC had denied behavioral services (OAH No. 2026050711/DDS No. CS0036595). On that same date, claimant also filed an appeal request claiming IRC failed to provide employment services (obtain competitive employment for claimant) (OAH No. 2026050686/DDS No. CS0036590). At the time claimant's appeals were received, OAH did not have an NOA on either appeal.

32. IRC filed a motion to dismiss the appeals, indicating that there was no appealable issue. Claimant's mother disagreed. However, despite not denying either service requested in the appeals, IRC had issued NOAs (dated May 13, 2026) "out of an abundance of caution" in response to the department's findings in the 4731 complaint. Issuing the NOAs triggered OAH jurisdiction.

33. On May 24, 2026, claimant's mother filed a second 4731 complaint with the department, and on June 8, 2026, IRC responded to the complaint, detailing much of the history recounted in this decision, and explaining that services (employment and behavioral) have not been denied. Claimant filed a third appeal (OAH No. 2026060042/DDS No. CS0036903) that was identical to the appeal regarding behavioral services that was already pending before OAH in OAH No. 2026050711/DDS No. CS0036595.

34. OAH dismissed the duplicative appeal, and the two remaining matters were consolidated for hearing and decision; this hearing followed.

Claimant's Mother's Testimony

35. Claimant's mother's testimony and pertinent parts of documentary evidence she provided are summarized as follows: Claimant's mother expressed a great deal of frustration with IRC's process and believes IRC has neglected claimant's

need for behavioral services. Claimant's mother claimed in her 4731 complaints and at hearing (and in her appeal(s)) that she requested behavioral services in August of 2024.² Claimant's mother expressed that claimant's past history at ELARC demonstrated claimant had behavioral challenges, and despite those challenges, the employees at ELARC helped claimant with services, job placement, and other supports. Claimant was doing very well at ELARC. At the time claimant transferred to IRC in 2022, claimant did not have behavioral services because she did not need them at that time.

36. However, since coming to IRC, claimant's mother started to see regression. Claimant wants to work, but there has been no progress towards that. Claimant's mother did not know claimant's behaviors were becoming such a problem until CCI told her after claimant had been with them for some time. Claimant's mother did not know she had to ask for behavioral services. Once she learned from CCI that claimant's behaviors were such a problem, she started asking for services because she knew claimant needed assistance.

37. Claimant's mother feels there has not been due diligence in looking at claimant's prior file from ELARC, assessing claimant's needs, and finding claimant competitive employment. Claimant's mother feels claimant has suffered a lot because she has not had the services she needs.

² There is no record of claimant's mother requesting behavioral services at that time. An email, dated December 30, 2024, was the first time behavioral services were requested, and that triggered the prompt follow up by Ms. Turner in January 2025, recounted in footnote 2, *supra*.

38. Claimant's mother requested the following in her position statement: Immediately provide behavioral services, including assessment and ongoing intervention; Provide make-up behavioral services for the period services were not provided; Convene an IPP meeting to develop a current and compliant IPP; Ensure the IPP includes behavioral supports and a clear pathway to competitive integrated employment consistent with WIC § 4869 (Employment First Policy, including "regardless of severity of disability"); Provide employment services, including job development and vocational supports; Coordinate with Department of Rehabilitation where appropriate; and Grant any additional relief deemed appropriate under the Lanterman Act.

39. By the end of the hearing, claimant's mother expressed that she does not understand why this process has taken so long, but she understands now that the requested services have not been denied.

LEGAL CONCLUSIONS

Applicable Law

1. The purpose of the Lanterman Act is to provide a "pattern of facilities and services . . . sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life." (Welf.& Inst. Code, § 4501; *Association of Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388.)

2. The Lanterman Act enumerates legal rights of persons with developmental disabilities. A network of 21 regional centers is responsible for determining eligibility, assessing needs and coordinating and delivering direct services

to individuals with developmental disabilities and their families within a defined geographical area. Designed on a service coordination model, the purpose of the regional centers is to “assist persons with developmental disabilities and their families in securing those services and supports which maximize opportunities and choices for living, working, learning, and recreating in the community.” The department allocates funds to the regional centers for operations and the purchasing of services, including funding to purchase community-based services and supports. (*Capitol People First v. Department of Developmental Services* (2007) 155 Cal.App.4th 676, 682-683.)

3. The Lanterman Act is set forth at Welfare and Institutions Code section 4500 et seq.

4. Welfare and Institutions Code section 4501 states:

The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance . . .

[¶] . . . [¶]

An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage

of life and to support their integration into the mainstream life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities.

5. Welfare and Institutions Code section 4512, subdivision (a), defines “developmental disability” as follows:

“Developmental disability” means a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, but shall not include other handicapping conditions that are solely physical in nature.

6. Welfare and Institutions Code section 4512, subdivision (b), defines “services and supports” as:

[S]pecialized 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 independent, productive, normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of 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 individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option . . . Nothing in this subdivision is intended to expand or authorize a new or different service or support for any consumer unless that service or support is contained in his or her individual program plan. [Emphasis added.]

7. In order to comply with its statutory mandate, the department contracts with private non-profit community agencies, known as "regional centers," to provide the developmentally disabled with "access to the services and supports best suited to them throughout their lifetime." (Welf. & Inst. Code, § 4620.)

8. Welfare and Institutions Code section 4646 requires that the IPP and provision of services and supports be centered on the individual and take into account the needs and preferences of the individual and family. Further, the provision of

services must be effective in meeting the IPP goals, reflect the preferences and choices of the consumer, and be a cost-effective use of public resources.

9. Welfare and Institutions Code section 4648 requires regional centers to ensure that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and to secure services and supports that meet the needs of the consumer, as determined by the IPP. This section also requires regional centers to be fiscally responsible.

10. A regional center is authorized to purchase services and supports for a consumer pursuant to vendorization or a contract in order to best accomplish all or any part of the IPP. (Welf. & Inst. Code, § 4648, subd. (a)(3); Cal. Code Regs., tit. 17, § 50612, subd. (a).)

11. Welfare and Institutions Code section 4646.4, subdivision (a), requires regional centers to establish an internal process that ensures adherence with federal and state law and regulation, and when purchasing services and supports, ensures conformance with the regional center's purchase of service policies.

12. The regional center is required to consider all the following when selecting a provider of consumer services and supports: a provider's ability to deliver quality services or supports to accomplish all or part of the consumer's IPP; provider's success in achieving the objectives set forth in the IPP; the existence of licensing, accreditation, or professional certification; cost of providing services or supports of comparable quality by different providers; and the consumers, or, where appropriate, the parents, legal guardian, or conservator of a consumer's choice of providers. (Welf. & Inst. Code, § 4648, subd. (a)(6).)

13. Welfare and Institutions Code section 4710, subdivision (a)(1), provides that a regional center must give notice to a consumer when it “makes a decision to reduce, terminate, or change services set forth in an individual program plan.”

14. Welfare and Institutions Code section 4869, subdivision (a)(1), provides:

In furtherance of the purposes of this division to make services and supports available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age, to support the integration of persons with developmental disabilities into the mainstream life of the community, and to bring about more independent, productive, and normal lives for the persons served, it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy.

Burden and Standard of Proof

15. In a proceeding to determine whether a consumer is eligible for services, the burden is on claimant to show by a preponderance of the evidence that the requested service is needed to alleviate the symptoms of the qualifying condition or otherwise necessary to meet the consumer’s needs. (Evid. Code, §§ 115; 500.) Even if a claimant shows a service is needed, the service may still be denied if a regional center shows the requested service is prohibited by law, is not cost effective, or the claimant

has not exhausted all other generic resources such that a regional center is the payor of last resort.

Evaluation

16. Claimant did not meet her burden. IRC has not denied employment services or behavioral services.

17. The record reflects that claimant did not transfer into IRC with behavioral services in place from ELARC. While claimant may have had those services in the past, given that they were not in place at the time of transfer, there was nothing for IRC to implement with respect to behavioral services. Claimant's IPPs in 2022, 2023, and 2024 do not reflect any requests for behavioral services. The first actual request for help with claimant's behaviors, by way of services, occurred in December 2024. Claimant's then consumer services coordinator, Ms. Turner, followed up with claimant's mother in January 2025 and told her that the current wait time for such services was approximately six to eight months out. As of the date of the hearing, claimant was scheduled for an assessment to be completed by a behavioral services provider. The results of that assessment have not yet been provided. Once they are provided, the vendor can determine what behavioral services it can offer claimant. Accordingly, IRC has not denied claimant behavioral services.

18. Regarding employment services, the record is replete with documentation showing that, from the time claimant transferred to IRC in 2022, she has been involved in employment related services. The services are designed to prepare claimant for employment. She was with CCI for some time, and experienced several adverse incidents at CCI, that resulted in claimant not being suitable for employment placement. CCI has opined that claimant must get her behaviors under

control before she would be a suitable candidate for employment. Notwithstanding CCI's conclusion and the record that supports that assessment, IRC has explored other vendors that can provide employment related services, such as VIP, and is currently waiting for the outcome of an assessment VIP conducted to determine what services it can offer claimant. IRC has also referred claimant to resources for employment, including DOR, which is the more appropriate agency to deal with employment related services for adults who are developmentally disabled.

19. Claimant's mother focused much on the "Employment First" policy stated in Welfare and Institutions Code section 4869, subdivision (a)(1), and asserted IRC has violated claimant's rights by not providing her competitive integrated employment. IRC has not violated claimant's rights. IRC is not an employment agency. Section 4869 merely reflects the policy of the state to make employment the highest priority for individuals of working age who are developmentally disabled. It does not guarantee employment. It does not prohibit vendors that provide such placement services from requiring assessments or other employment readiness training (like what CCI has done for the past few years). It also does not require a consumer be placed if he or she has maladaptive behaviors or other concerns that make the consumer unsuitable for employment. On this record, it is unlikely claimant will be able to find an appropriate employment placement until her maladaptive behaviors are addressed. Given that claimant is at the beginning stages of obtaining those behavioral services, she is making forward progress towards that goal.

Conclusions

20. In her closing argument, claimant's mother argued that IRC has been "negligent" in attending to claimant's needs, in part, because consumer services coordinators, supervisors, managers, and others should be reviewing cases upon

transfer, identifying past problems, and offering services that might be appropriate even if services are not requested. Based on the documents provided, however, and in consideration of the testimony, this argument is misplaced. The record demonstrated that IRC has been more than diligent in pursuing requested services and in complying with the Lanterman Act (like convening an IPP meeting within 30 days of transfer, implementing services in place at the time of transfer, timely requesting behavioral services, etc.). It is not the job of a regional center to pour through prior records and develop services that might interest a consumer. A regional center is responsive; the IPP is what drives all services and supports provided to a consumer. The IPP meeting is where a consumer's needs are discussed, and based on those needs, it is a regional center's job to connect a consumer with services and supports requested. In this case, that has been done.

21. Claimant's mother also argued that there has been a "lack of care and concern trying to get her to move towards competitive employment." As previously discussed, IRC connected claimant with a vendor, CCI, that determined claimant was not ready for employment. CCI later dismissed claimant from its program due to poor behavior. IRC then diligently searched out other vendors, and claimant has now been connected with VIP, which conducted an assessment, and DOR, which is the primary agency responsible for employment related services in California for individuals who are developmentally disabled. The record does not reflect a "lack of care and concern" for claimant's desire to obtain competitive integrated employment.

22. Claimant's mother finally argued that IRC "hindered" claimant from "having a due process right" because it did not issue NOAs after denying services. However, the record does not support that conclusion with respect to behavioral or employment services, as neither has been denied. An NOA should only be issued when

a regional center “makes a decision to reduce, terminate, or change services set forth in an [IPP].” For the reasons discussed above, IRC has not reduced, terminated, or changed anything relating to behavioral or employment services for claimant.

23. With respect to the prayers for relief listed in claimant’s position statement, this decision compels the following conclusions.

- Regarding claimant’s request for IRC to “Immediately provide behavioral services, including assessment and ongoing intervention,” the request is denied. IRC has not denied services and claimant is already scheduled for an assessment.
- Regarding claimant’s request for IRC to “Provide make-up behavioral services for the period services were not provided,” the request is denied. IRC never denied claimant behavioral services. To the contrary, services were requested but claimant was informed there was a long waiting list. IRC’s obligation is to request and authorize services; IRC does not have control over the availability of employees that work for the various vendors that provide services to regional center consumers. It is common knowledge that, at this point in time, there are long wait lists for behavioral services. IRC cannot be faulted for doing exactly what it was supposed to do.
- Regarding the request that IRC “Convene an IPP meeting to develop a current and compliant IPP,” this issue was not raised in the NOA, and claimant may request at IPP at anytime.
- Regarding claimant’s request that IRC ensure “the IPP includes behavioral supports and a clear pathway to competitive integrated employment consistent with WIC § 4869 (Employment First Policy, including “regardless of

severity of disability”),” the request is denied. For the reasons discussed above, IRC has not denied any services. IRC authorized an assessment be conducted to determine what behavioral services claimant may need, and when the assessment results are provided, it will determine what services to authorize. The request is therefore premature. Moreover, with respect to employment, IRC cannot provide “a clear pathway” to employment. IRC is not responsible to find claimant a job. IRC connected claimant with employment related services, such as VIP and DOR, and is also addressing the behavioral challenges claimant has that are currently impeding her ability to obtain employment.

- Regarding claimant’s request that IRC “provide employment services, including job development and vocational supports” and coordinate with DOR “where appropriate,” the request is denied. IRC has not denied employment services, for the reasons noted previously. IRC also referred claimant to DOR, which is responsible for employment related services, job development, and other job-related services for its consumers. DOR is not connected to IRC and DOR operates under a different statutory and regulatory scheme than regional centers. As such, there is nothing for IRC to coordinate.

24. Accordingly, IRC has not denied claimant employment services.

ORDER

Claimant’s appeal regarding employment services (OAH No. 2026050686/DDS No. CS0036590), is denied. IRC has not denied employment services.

Claimant's appeal regarding behavioral services (OAH No. 2026050711/DDS No. CS0036595), is denied. IRC has not denied behavioral services.

DATE: July 7, 2026

KIMBERLY J. BELVEDERE

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.