

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

In the Matter of:

CLAIMANT

and

VALLEY MOUNTAIN REGIONAL CENTER, Service Agency

DDS No. CS0037691

OAH No. 2026061238

DECISION

Timothy J. Aspinwall, Administrative Law Judge, Office of Administrative Hearings, State of California, serving as a hearing officer, conducted a fair hearing on July 20, 2026, at Valley Mountain Regional Center (VMRC), 1820 Blue Gum Avenue, Modesto, California.

The Service Agency, VMRC, was represented by Jason Toepel, Compliance manager.

Claimant was represented by her father. Claimant's mother was also present. Both were assisted by a Spanish language interpreter. The names of Claimant and her parents are omitted to protect their privacy and confidentiality.

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

ISSUE

Is Claimant eligible for services from VMRC under the Lanterman Developmental Disabilities Services Act, Welfare and Institutions Code section 4500 et seq. (Lanterman Act) because of autism spectrum disorder (ASD)?

FACTUAL FINDINGS

Jurisdiction and Background

1. VMRC provides funding for services and supports to persons with developmental disabilities under the Lanterman Act. (All statutory references are to the Welfare and Institutions Code, unless otherwise specified.)
2. Claimant is 17 years of age. She resides with her mother, father, and siblings in the family home.
3. In 2024, VMRC assessed Claimant to determine eligibility for services under the Lanterman Act. VMRC's assessment included a review of records and a psychological evaluation completed in November 2024 by Ubaldo F. Sanchez, Ph.D., discussed below.
4. On February 3, 2025, VMRC issued a Notice of Action (NOA) denying Claimant's request for eligibility under the Lanterman Act, because Dr. Sanchez found Claimant does not have ASD.

5. On May 28, 2026, VMRC sent a letter to Claimant's parents in response to their request to reopen Claimant's case. The letter states that a recently provided school psychologist's report, completed by educational psychologist Aline Baca, M.A., discussed below, does not support a diagnosis of ASD. The VMRC letter further states that the information provided in Ms. Baca's report is "exclusionary to regional center eligibility criteria."

6. On June 17, 2026, Claimant's father filed a written appeal of VMRC's letter dated May 28, 2026, as a denial of eligibility and service denial. The appeal was accepted and deemed an appeal of the NOA, and the matter set for hearing at OAH on the question of eligibility. This hearing followed.

Psychological Evaluations and Clinical Records

7. The most significant evidence on the question of whether Claimant is eligible for services from VMRC under the Lanterman Act includes a psychological evaluation and independent educational evaluation. No testimony by the evaluators was offered by either party. The written evaluations are summarized, in pertinent part, below.

PSYCHOLOGICAL EVALUATION BY DR. SANCHEZ

8. On November 20, 2024, Dr. Sanchez conducted a psychological evaluation of Claimant and prepared a written evaluation dated December 13, 2024. VMRC referred Claimant for the psychological evaluation due to concerns including possible ASD.

9. Dr. Sanchez's evaluation procedures included a clinical interview with Claimant; a review of available records; and the administration of diagnostic measures

including the Autism Diagnostic Observation Schedule, Second Edition (ADOS-2), Module 4. The ADOS-2 is a semi-structured, standardized set of tasks and questions to assess an individual's style of communication and social interaction. Dr. Sanchez observed Claimant did not display any speech abnormalities or hand gestures typically associated with ASD. Dr. Sanchez also observed Claimant was able to regulate social interactions, and she was able to respond to all of Dr. Sanchez's requests. Dr. Sanchez found Claimant does not meet the diagnostic criteria for ASD as set forth in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

INDEPENDENT EDUCATIONAL EVALUATION BY MS. BACA

10. Ms. Baca, Licensed Educational Psychologist, conducted an Independent Educational Evaluation at the request of Claimant's father and the Modesto City Schools. The purpose of the evaluation was to determine Claimant's level of functioning, identify any areas of need, and determine the most appropriate educational placement and need for special education services. The evaluation occurred on seven separate dates from November 2022 through February 2023. Ms. Baca signed her written confidential psychoeducational assessment on February 28, 2023.

11. Ms. Baca's assessment included a review of school records, interviews of Claimant, her parents, and teacher, observations of Claimant at school in class and at lunch, and the administration of numerous diagnostic measures including the Autism Spectrum Rating Scale (ASRS) and the ADOS-2, Module 4.

12. The ASRS is designed to identify symptoms, behaviors, and associated features of ASD in children and adolescents. Ms. Baca's administration of the ASRS included responses from Claimant's father and two teachers regarding their

observations of Claimant in the primary areas of social/communication and unusual behaviors. The scored responses indicate Claimant displayed some characteristics similar to individuals diagnosed with ASD in both the home and school environments.

13. Due to the results on the ASRS, Ms. Baca administered the ADOS-2, Module 4, to observe Claimant's behaviors in a standardized manner, utilizing a variety of different communicative and social interactions. In communication, Claimant demonstrated a variety of emotional gestures integrated with her speech, such as smiling, smirking, frowning, and confused expressions at appropriate times. In reciprocal social interactions, Claimant's quality of rapport was appropriate. In the portions of the interactions calling upon imagination, Claimant demonstrated spontaneous and inventive comments in conversation. Claimant did not display any sensory-seeking behaviors, finger mannerisms, repetitive behaviors, compulsions, or rituals. Claimant fidgeted and picked at her nails during questions about relationships and her own feelings and avoided eye contact with Ms. Baca. Claimant seemed guarded at times and cautious about how she answered questions about herself. Based on the ADOS-2 assessment, Claimant did not meet the criteria for ASD, although she can be timid and keep to herself. In Ms. Baca's opinion, Claimant's social deficits may be better explained by anxiety, as distinct from ASD.

Testimony of Claimant's Parents

14. Claimant's mother testified that she disagrees with how Dr. Sanchez administered his evaluation of Claimant. He "was laughing" and behaved in a way that made Claimant cry. Dr. Sanchez's evaluation lasted "only about 30 minutes." To her understanding, an evaluation should take longer. She does not agree with Dr. Sanchez's report.

15. Claimant's father testified that Claimant started acting strangely when she was small. She did not make eye contact and was nonverbal at home and at school. She would sit apart from other children in school. Noise bothered her a lot, and she would have sensory overload. He believes Claimant has had autism since she was very small. He also believes the regional center is a center for children, and that Claimant would benefit in many ways from their services.

Analysis

16. Claimant's parents clearly demonstrated their deep concern for their daughter's well-being. They want what is best for her. They believe their daughter has ASD and that she is therefore eligible for VMRC services and supports. However, it is necessary to consult the psychological and educational evaluations in assessing whether Claimant has ASD.

17. Neither the psychological evaluation performed by Dr. Sanchez nor the educational evaluation performed by Ms. Baca supports a finding that Claimant has ASD. Based on the evidence presented, a finding cannot be made at this time that Claimant has ASD. Therefore, Claimant's appeal must be denied.

LEGAL CONCLUSIONS

The Burden and Standard of Proof

1. In an administrative hearing, the burden of proof is on the party seeking government benefits or services. (See, e.g., *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 Claimant is eligible for services from VMRC under the Lanterman Act because of ASD. (Evid. Code, § 115.)

Applicable Law

CARE FOR THE DEVELOPMENTALLY DISABLED

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.)

ELIGIBILITY FOR REGIONAL CENTER SERVICES

3. Eligibility for regional center services and supports is dependent on the person having a “developmental disability” that: (1) originated before she reached 18 years of age; (2) is likely to continue indefinitely; and (3) constitutes a substantial disability. (Welf. & Inst. Code, § 4512, subd. (a)(1).) Under the Lanterman Act, “developmental disability” includes intellectual disability, cerebral palsy, epilepsy, autism, and disabling conditions found to be closely related to or require treatment similar to that required for individuals with an intellectual disability. (*Ibid.*)

Disposition

4. Based on the Factual Findings and Legal Conclusions as a whole, Claimant did not meet her burden of establishing by a preponderance of evidence that

she has ASD or any other developmental disability that would qualify her to receive services from VMRC under the Lanterman Act. For these reasons, Claimant's appeal must be denied.

ORDER

Claimant's appeal is DENIED.

DATE: July 30, 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 under 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.