

Advocacy Guide for Non-Lawyers

Educational Resources & Exhaustion of Generic Resources

For use by people with intellectual and developmental disabilities and their supporters to respond to regional center service denials



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Disclaimer: This document is general information, not legal advice. It is based in part on examples seen in a small set of California Office of Administrative Hearings (OAH) decisions. This guide is based on the law and the administrative hearing decisions interpreting the law at the time we write them. We try to update our materials; however, laws are regularly changing. If you want up-to-date information about the law, please visit Disability Rights California at www.disabilityrightscalifornia.org or another legal source.

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1. Introduction

Regional center service disputes often involve a few common rules, and those rules can overlap. A service denial may involve questions about IPP goals and disability-related need; whether another system is supported to provide the service first; cost-effectiveness; parental responsibility; or other limits on regional center funding. This guide does not try to cover every kind of service dispute. Instead, it focuses on service denials on the basis that someone receives or should receive a service from their school explains how that issue tends to come up across different kinds of services.

For a denial of a new service or support, the person appealing has to prove that the requested service is needed and should be funded. For a reduction, change, or termination of an existing service, the regional center is the one trying to change the current services, so the regional center usually has to prove that the service should be reduced, changed, or stopped.

2. Summary of topic

One of the most common reasons regional centers deny services is because they argue the school district should pay first. This is known as the “**generic resource**” issue.

Regional centers often argue that schools are responsible for:

- Tutoring
- Behavioral supports
- Speech therapy
- Classroom supports
- Transition services
- Educational placements

These disputes often arise when families believe:

- The school’s services are insufficient
- The school’s services are not actually being implemented
- The school’s services do not meet the child’s disability-related needs

In summary: The key question is usually whether the family truly exhausted what the school district could provide and whether the school’s offer is actually comparable to what the person needs.

3. What does the law say about this topic?

School districts generally pay first

Two sets of laws are often involved in these cases. The school district's duty to educate the student comes from education law, including the federal Individuals with Disabilities Education Act (IDEA) and the California Education Code. The Lanterman Act does not make regional centers responsible for providing education. Instead, the Lanterman Act generally makes regional centers the payer of last resort. This means the regional center must usually look to the school district as a generic resource before using regional center funds. The laws about generic resources can be found in Welfare and Institutions Code sections 4648 and 4659. **The practical result is that the school district usually pays first when the requested service is something the school district is legally responsible for providing.**

School districts must provide special education and related services to eligible students

School districts must provide a Free Appropriate Public Education, often called FAPE, to eligible students with disabilities. This can include:

a. classroom placement

b. behavioral support

c. speech therapy

d. communication aids

e. transition services



This responsibility does not end automatically when a student turns 18. In California, many students with disabilities remain eligible for special education services through age 21, until the end of the school year in which they turn 22, as long as they have not earned a regular high school diploma.

There is also a specific Lanterman Act rule for some consumers ages 18 to 22 who are still eligible for special education. Welfare and Institutions Code section 4648.55 addresses certain services, including day program, vocational education, work services, independent living, mobility training, and related transportation. For these services, the IPP team must consider whether the school district can meet the person's need. If the school district cannot meet the need, the regional center may be responsible for providing the service.

In summary:

If the school district is legally responsible for the service, the regional center will usually deny funding unless the family can show the school's offer is not actually meeting the person's needs.

4. Common reasons for regional center denials in these cases

The person is still eligible for school district services.

One of the most common reasons regional centers deny funding is that the student is still legally eligible for special education or related services through the school district. This often happens in cases involving transition-age students ages 18–22, behavioral supports provided during school hours, or disputes about classroom placement and transition programming. The regional center’s position is usually that if the school district is still responsible for providing educational services, then the regional center should not replace that funding.

The family did not exhaust the IEP process.

Regional centers frequently deny services when there is little evidence that the family fully pursued the IEP process before requesting regional center funding. This can include situations where the family did not formally request the service from the school district, did not object to the proposed IEP, or did not appeal the school district’s offer. In many cases, the regional center argues that the school district was never fully given the opportunity to address the child’s needs before the family turned to the regional center.



The school already provides a similar service

Another common denial occurs when the school district already provides some version of the requested service. This frequently arises in disputes involving speech therapy, counseling, one-on-one aide support, or behavioral intervention services. Regional centers often argue that they cannot duplicate services already available through the school district.

There is not enough written documentation

Strong documentation is often one of the biggest differences between successful and unsuccessful cases. Regional centers are frequently skeptical when families cannot clearly document what they requested from the school district, how the school responded, or what attempts were made to resolve the issue.

The service appears primarily educational

Regional centers are more likely to deny a request when the service appears focused only on educational performance or classroom participation, rather than on disability-related needs that affect the person's life more broadly. This commonly happens in cases involving tutoring, speech services, classroom support, private school placement, or behavioral supports provided only during school. The stronger argument is usually that the service addresses disability-related needs such as communication, safety, behavior, self-care, independence, or functioning at home and in the community, not just academic progress.

5. What kind of facts & evidence help people win their cases?

The strongest evidence usually shows two things:

a) The child truly needs the service because of their disability

AND

b) The school district is not actually providing what the child needs.

The examples below show some of common patterns that help families win:

1) School's services were tried first. One of the best strategies is to show that the family has already tried to use school district services or other resources.

Case Spotlight

Service requested: Tutoring services with one-on-one instructional support for a student receiving home hospital instruction. (Parent also requested educational advocacy services, which this spotlight does not focus on.)

Why the regional center denied the service: IRC argued

**Tutoring Services During
Home Hospital Instruction
(IRC – 2025060933)**

that the school district was responsible for educational services and that generic resources had not been exhausted.

What evidence was given: district records approving tutoring, records showing tutoring vendors refused services due to behavioral needs, IEP records, documentation of attempts to use community tutoring resources, parent testimony

Why the claimant won: The judge found that although tutoring technically existed on paper, the services were never actually implemented because tutoring providers would not work with claimant's behavioral needs.

2) The requested service is different from the school's offer. Another important piece to include is showing that the school's offer differs from what the child actually needs.

This often involves:

1. different service intensity
 2. one-on-one versus group services
 3. regression despite school services
 4. behavioral barriers preventing effective access
 5. assessments recommending more support
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3) Service affects life outside of school: Strong cases usually explain how the requested support affects the child’s life outside of school. For example, the family may show that the service is needed for safety at home, communication with family members, behavior in the community, daily living skills, or access to ordinary activities. When the request is framed only as help with school, the regional center will often argue that the school district is responsible. When the evidence shows that the need is broader than education, the claimant has a stronger argument that the regional center may be responsible.

6. What kinds of facts, evidence, or lack of facts and evidence cause people to lose their cases?

Many unsuccessful cases follow similar patterns. In many hearings, families clearly believe the child needs the requested support, but the evidence presented is not strong enough to show that the school’s services were insufficient or that generic resources were fully exhausted. The cases below provide some examples.

1) The family did not challenge the school’s offer. One of the most common reasons families lose is because the school district already offered some version of the requested service, but the family never formally objected, appealed, or challenged the offer through the IEP process. Regional centers often argue that if the family accepted the school’s decision without appealing, then the school was never fully given the opportunity to address the child’s needs.

Case Spotlight

Private Preschool Placement

Service requested: Regional center funding for private preschool tuition.

Why the regional center denied the service: The family enrolled Claimant in a private preschool before appealing or challenging the school’s offer during the

(ELARC – 2024070174)

IEP process to place the claimant in a public preschool.

What evidence was given: The family provided parent testimony, a description of the private preschool program, and the school district's IEP offer.

What additional evidence might have helped: Written objections to the IEP offer, evidence that the private preschool provided disability-specific services, and expert testimony explaining why the public preschool couldn't meet the child's disability-related needs.

2) The service appeared primarily educational

Regional centers frequently deny services when the request appears focused mainly on educational preference or classroom performance rather than disability-related functioning.

This commonly happens in cases involving tutoring, classroom support, private school placement, or educationally-focused behavioral services. The stronger cases usually explain how the requested support helps the child remain safely supported at home, communicate effectively, regulate behaviors, or function successfully outside the classroom.

***EXAMPLE:** In multiple denied tutoring and private placement cases, regional centers argued that the requested services addressed educational progress rather than disability-related functioning or safety needs. The strongest cases connected the requested support to safety, communication, independence, behavioral stability, or community participation, not just educational success.*

3) There was not enough expert evidence. General statements or limited supporting documentation are often not enough to persuade a regional center or an administrative law judge.

Judges usually give more weight to testimony or evaluations that specifically explain:

- a. Why are the school's services insufficient
- b. Why the requested service is necessary
- c. How the disability impacts day-to-day functioning
- d. Why the child cannot safely or successfully access the services already being offered

Case Spotlight

**Remote School Support
During the Pandemic (RCOC
– 2021120308)**

Service requested: 30 hours per week of in-home support during remote learning.

Why the regional center denied the service: The school district offered in-person programming, and the family did not sufficiently prove that the in-person option was inappropriate or unsafe.

What evidence was given: The family presented parent testimony, general safety concerns, and a doctor's note.

What additional evidence could have helped: Detailed medical testimony, written provider explanations, and documentation specifically explaining why in-person attendance was unsafe would likely have made the claim much stronger.

General concerns and short provider notes are often less persuasive than detailed expert testimony directly explaining why the school's offer is unsafe or insufficient.

4) The family could not clearly document the problem. Many unsuccessful cases involve situations where there is little written documentation showing:

a. What the family requested b. How the school responded	c. What services were denied d. What harm resulted from the missing services
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Without documentation, the regional center may argue there is not enough proof that the requested support is necessary or that generic resources were fully exhausted. Helpful records often include IEPs, denial letters, behavioral logs, assessments, emails, incident reports, and appeal records.

The more specifically the family can document the problem and the failed attempts to resolve it, the stronger the claim becomes.

7. Pulling it all together: Common denials and how to respond

Use this chart to match a common denial with a short response and the evidence that may help.

Example of a service you might request the regional center to fund	Example of why a regional center may say no to your request	Example of an argument you could make in response to the regional center's denial	Example of facts, witnesses, or records you could use to support your argument about why you are eligible for services
<i>Speech therapy beyond school services</i>	School already offered speech therapy; family did not challenge the IEP	Parent testimony and IEP records	Independent speech assessment explaining why school services were insufficient
<i>Private preschool tuition</i>	Family accepted school placement without appeal	Parent testimony and description of private program	Written objections to the IEP and evidence showing disability-specific services
<i>Adult day program (ages 18–22)</i>	Student remained eligible for school district services; school alternative was refused	Parent testimony; IEP documents	Incident reports; medical records; expert evaluations showing school setting was unsafe or inappropriate
<i>In-home support during remote learning</i>	School offered in-person instruction	Doctor's note and parent concerns	Detailed medical testimony explaining why in-person attendance was unsafe

Appendix 1

1. ACRC - 2024030938: In the Matter of Claimant and Alta California Regional Center

Issue: Whether ACRC was required to fund adult day program services for a 21-year-old who withdrew from high school

Holding: Denied. Claimant was still eligible for school district services, and Claimant's withdrawal from high school and rejection of the offer to enroll in a different school within the district was based on preference, not necessity.

2. ELARC - 2024070174: In the Matter of Claimant and Eastern Los Angeles County Regional Center

Issue: Whether ELARC was required to fund private preschool tuition

Holding: Denied. The school district offered FAPE, which the family agreed to and did not appeal. Furthermore, preschool tuition is a parental responsibility. Finally, the private school did not provide any relevant specialized services.

3. FDLRC-2021070507: In the Matter of Claimant and Frank D. Lanterman Regional Center

Issue: Whether FDLRC was required to fund a two-week virtual summer animation program

Holding: Denied. Parents are responsible for extracurricular activities, and Claimant's mother did not prove that generic resources were exhausted. Additionally, the requested program was segregated and non-vendored.

4. FDLRC-2022090423: Claimant v. Frank D. Lanterman Regional Center

Issue: Whether FDLRC was required to increase SDP budget by \$73,000 to fund a 1:1 behavioral aide at a private school

Holding: Denied. Aide at school is not an allowed SDP service, and the school district is a generic resource that Claimant did not exhaust (he enrolled in private school instead).

5. RCOC-2021120308: In the Matter of Claimant and Regional Center of Orange County

Issue: Whether RCOC was required to fund 30 hrs/week of in-home personal assistance to help Claimant attend school remotely

Holding: Denied. The school offered in-person programming, and the Claimant failed to prove that the in-person services were insufficient.

6. SDRC-2022070434: In the Matter of Claimant and San Diego Regional Center

Issue: Whether SDRC was required to fund sign language instruction, speech therapy, communication device assessment, behavioral supports, nursing services, and respite mileage

Holding: All denied. Most of the listed services are the responsibility of school district or insurance; and Claimant did not exhaust generic resources.

7. GGRC-2025030651: In the Matter of Claimant and Golden Gate Regional Center

Issue: Whether GGRC was required to pay for a child with autism to attend a private preschool in the afternoons (11:30 a.m. to 3:15 p.m., Monday–Friday, totaling 18.75 hours/week), when the child’s parents chose not to use the free public school program that was offered

Holding: Denied. The school district had already offered a free public preschool placement covering that same time period, which the family chose not to use.

8. VMRC-2023090215: In the Matter of Claimant and Valley Mountain Regional Center

Issue: Whether VMRC was required to continue funding Behavioral Intervention Services (BIS)

Holding: Denied. The service provider’s written report stated that Claimant no longer clinically benefits, and the school district is responsible for his remaining language/communication needs.

9. VMRC-2021050481: In the Matter of Claimant and Valley Mountain Regional Center

Issue: Whether VMRC was required to reimburse \$570 in insurance copayments for behavioral therapy

Holding: Denied without prejudice because Claimant’s family did not submit income information for verification or a behavioral assessment, but they may refile with documentation.

10. IRC-2025060933: In the Matter of Claimant and Inland Regional Center

Issue: (1) Whether IRC was required to fund tutoring services; (2) Whether IRC was required to fund educational advocacy services

Holding: (1) Granted — Claimant documented his exhaustion of generic resources and the district's own vendor refused service due to his behavioral challenges; (2) Denied — the IEP process was not exhausted.

11. NLACRC-2023040373: Claimant v. North Los Angeles County Regional Center

Issue: Whether NLACRC properly terminated funding for vision therapy

Holding: Denied. The school district provides comparable vision therapy, and DDS regulations prohibit funding the specific service for children over age 5.

12. CVRC – 2019100134: In the Matter of Claimant and Central Valley Regional Center

Issue: Whether DDS was required to fund an out-of-state residential placement for a claimant with severe behavioral and medical needs

Holding: Granted. Claimant had a long history of aggression and complex medical needs; approximately 45 California placements declined to accept Claimant and CVRC conducted a statewide search without finding an appropriate placement. The judge found that the out-of-state placement was necessary for Claimant's safety, behavioral stabilization, and daily functioning needs.

Appendix 2: Glossary of Common Terms

Term	Definition
ALJ (Administrative Law Judge)	The judge who runs your hearing at the Office of Administrative Hearings and decides whether the regional center has to pay for the service you asked for.
Behavioral Intervention Services (BIS)	Services that help with behaviors that get in the way of daily life, usually provided by a behavior specialist. Schools can also provide behavior support through an IEP, so these requests often lead to arguments about who should pay.
Exhaustion of Generic Resources	Showing that you tried to get the service from the school district before asking the regional center to pay for it. Written requests, IEP records, denial letters, and appeals are usually what proves this. Simply saying you asked is often not enough.
FAPE (Free Appropriate Public Education)	The rule that a school district must give your child a free education that fits their needs. This can include their classroom placement, speech therapy, behavior support, communication devices, and transition services.
Generic Resource	Any agency other than the regional center that is supposed to provide a service. In these cases, the generic resource is the school district. Medi-Cal, private insurance, and Social Security are other common ones.
Home Hospital Instruction	Teaching that a school district provides at home or in a hospital when a student is too sick or unsafe to attend school in person.
IDEA (Individuals with Disabilities Education Act)	The federal special education law. It requires school districts to find students with disabilities and give them a free appropriate education through an IEP.
IEP (Individualized Education Program)	The written plan the school makes for your child. It lists their special education services, their classroom placement, and their goals. IEPs, along with records of what you asked for and what you objected to, are the most important evidence in these cases.
IEP Process / Due Process	The steps for asking the school for services and for disagreeing with what the school offers. This includes IEP meetings, putting your objections in writing, mediation, and a special education hearing. Regional centers often say no when a family has not gone through these steps first.
IPP (Individual Program Plan)	The written plan that you, your family, and the regional center make together. It lists your goals and the services the regional center will

	provide. A service usually must connect to an IPP goal and to a need caused by your child's disability.
Lanterman Act	California's main law about services for people with developmental disabilities (Welfare and Institutions Code sections 4500–4846). It gives you the right to regional center services, but it does not make regional centers responsible for education.
OAH (Office of Administrative Hearings)	The state office where these hearings take place. Past OAH decisions do not control other cases, but they show how judges have handled similar situations.
Parental Responsibility	The idea that regional centers do not pay for things parents normally pay for any child, like basic tuition, childcare, or after-school activities. Regional centers often raise this in private school and private preschool cases.
Payer of Last Resort	The rule that the regional center pays only after everyone else who might be responsible has been asked or ruled out. This is why the school district usually has to pay first. See Welfare and Institutions Code sections 4648 and 4659.
Self-Determination Program (SDP)	An initiative put in place in the State of California that creates more flexibility for social recreation activities by giving claimants a set amount of funding and allowing them to switch out activities as needed.
Transition Services	Services in an IEP that get a student ready for life after high school, like job training, vocational education, and independent living skills. For people ages 18–22 who can still get special education, Welfare and Institutions Code section 4648.55 says the IPP team has to look at whether the school district can meet the need before the regional center pays.

Appendix 3:

List of resources that can help me prepare for IPP meetings and disagreements with regional centers

1. **Rights Under the Lanterman Act:** This Manual is published by Disability Rights California. It has one purpose: to help you understand some of your rights as a person with developmental disabilities in California. The Manual focuses on your rights to supports and services under the Lanterman Act — your rights with the regional center and service providers. It will not answer every question you may have, but it is a place to start.
2. Search Tools to find hearing decisions about regional center cases
 - a. **Stanford Intellectual and Developmental Disabilities Law and Policy Project Smart Search Tool**
 - b. **Office of Administrative Hearings Website**
3. **Regional Center Services and IPP Toolkit:** This Toolkit is published by Disability Rights California and explains how you can prepare for your IPP meetings with your regional center.
4. **Regional Center Hearings and Appeals Toolkit:** This Toolkit is published by Disability Rights California and has additional information about how you can prepare for hearings when you disagree with a decision your regional center has made about your services.