

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

In the Matter of:

DANIEL M.,

Claimant,

vs.

HARBOR REGIONAL CENTER,

Service Agency.

OAH Case No. L 2007110790

**DECISION**

This matter was heard by Erlinda G. Shrenger, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, on May 27, 28, and 29, 2008, in Torrance, California.

Carmen Carley, Advocate, represented Claimant Daniel M. Claimant's parents, Yvonne M. and James M. were present.<sup>1</sup>

Mona Z. Hanna, Attorney at Law, represented Harbor Regional Center (HRC or Service Agency).

The parties presented the documentary and testimonial evidence described below, and gave closing arguments. The record was closed and the matter submitted for decision on May 29, 2008.

**ISSUES**

1. Should HRC be required to fund an additional 10 hours per week of in-home Applied Behavior Analysis (ABA) services and appropriate supervision, and six hours per month of parent training, through JBA Institute?

2. Should HRC be required to reimburse Claimant for self-funding ABA services provided by JBA Institute from June 21, 2007 to the date of this Decision?

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<sup>1</sup> Claimant and his parents are identified by their first name and last initial to protect their privacy.

## EVIDENCE RELIED UPON

Documentary: The parties agreed to use the exhibit books prepared by Claimant containing exhibits A through T. During the course of the hearing, additional exhibits were introduced and marked as exhibits U through Y. This Decision is based on the exhibits that were offered and admitted as indicated on the record.

Testimonial (Service Agency): Lucy Valdez, HRC Program Manager; La Wanna Blair, HRC Program Manager; and Dr. John D. Cone.

Testimonial (Claimant): Dr. Robin Morris; Janet Yi, Director of JBA Institute; Patricia Preciado, HRC Counselor; and Claimant's mother.

## FACTUAL FINDINGS

### *Claimant's Background*

1. Claimant is a male child who was born on June 20, 2003. He was diagnosed with autism in 2006. Claimant is eligible for regional center services under the Lanterman Act, and for special education services from his local school district, ABC Unified School District (District).

2. Claimant lives at home with his parents, James M. and Yvonne M., and his paternal grandparents. English is spoken in the home, but Claimant's grandparents speak Japanese. Claimant's father works outside of the home. Claimant's mother stays at home and is Claimant's primary caregiver. Claimant's mother is actively involved in her son's ABA therapy, has attended ABA trainings, and has implemented ABA techniques with her son.

3. Claimant is described as an energetic young boy who is loved by his parents. He can walk and run without difficulty. Claimant is partially potty trained and wears pull-ups at night and in the community. Claimant engages in self-injurious behaviors, eloping, and tantrums; he has difficulty tolerating frustration; he perseverates on upsetting incidents; he screams and makes loud sounds; and he engages in self-stimulatory behaviors such as spinning and rapidly turning his head from side to side.

4. At his most recent individual/family service plan (IFSP)<sup>2</sup> meeting held on June 21, 2007, Claimant's parents indicated their primary concerns were to increase Claimant's

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<sup>2</sup> The Service Agency uses the term Individual/Family Service Plan (IFSP), which is derived from the federal Early Intervention Program for Infants and Toddlers with Disabilities, known in California as the "Early Start Program," which applies to infants and toddlers under the age of three. (See, Cal. Code Regs., tit. 17, §§ 52100 et seq.) The IFSP is deemed to be synonymous with the individual program plan (IPP) required by the Lanterman Act.

functional language and communication, decrease his self-stimulatory behaviors, increase his involvement and age-appropriate behavior in community activities, and increase his play and social skills. Claimant's parents also expressed concerns about safety. Claimant likes to climb on and under parked cars and pick up trucks, and is fascinated by fast moving objects and runs after them.

5. At the present time, Claimant is receiving services funded by the District and HRC. This case concerns Claimant's ABA services. Claimant is currently receiving 40 hours per week of ABA services provided by JBA Institute. The District is funding 20 hours per week, HRC is funding 10 hours per week, and Claimant's parents are funding 10 hours per week. It is the 10 hours funded by Claimant's parents that are at issue in case. Claimant's parents contend that HRC should be funding those 10 hours per week. HRC disagrees and contends it is not required to fund services unless necessary and effective to meet a consumer's needs.

#### *Claimant's ABA Program*

6. Applied Behavior Analysis (ABA) is the analysis of human behavior. B.F. Skinner developed the basic science that behavior of any sort responds to and is controlled by identifiable events that happen before, during, and after the behavior. Behavior analysis emphasizes observable events, and that altering those events can lead to the alteration of the behavior. The application of behavior analysis is what is commonly referred to as ABA. Through research studies and techniques developed by Dr. O. Ivar Lovaas, ABA is considered a proven method to address the severe behavioral challenges of autistic children.

7. When Claimant was diagnosed with autism in January 2006, Claimant received 10 to 15 hours per week of ABA services through Autism Spectrum Therapies (AST). From January to September 2006, Claimant received 12.5 hours per week of ABA therapy from AST. From September 2006 to April 2007, he received 14 hours per week of ABA therapy from AST. At an informal meeting on September 19, 2006, HRC agreed to fund 7.5 hours per week of the ABA services provided by AST.

8. On March 30, 2007, Claimant's mother requested that HRC change her son's ABA provider because she felt "AST has been a bad fit for the family." On April 10, 2007, Claimant's mother contacted AST and expressed that the family's experience with AST has been "really hit or miss," and they were concerned about the quality of any AST therapist that might work with Claimant. On April 11, 2007, HRC offered to arrange a meeting between Claimant's family and AST to discuss the family's concerns. Claimant's mother responded that she believed such a meeting would not be helpful. At this time, Claimant's mother had been putting Claimant on waiting lists for other ABA programs. On April 18, 2007, AST sent Claimant's mother an e-mail stating that AST was terminating its services as of that date because "[i]t appears from the email discussions that it is no longer feasible for AST to provide services to you and your family."

9. Claimant did not receive ABA services again until May 8, 2007, when he began a program with JBA Institute. During his first week with JBA Institute, Claimant received 13 hours per week of services, and then 13 to 15 hours per week in the following weeks. Starting in July 2007, Claimant received 37 hours per week of ABA services until April 2008, when his services were increased to 40 hours per week, which he is currently receiving.

10. At an individualized education program (IEP) meeting held on June 19, 2007, the District offered Claimant placement in a special day class (25 hours per week), speech and language (group and individual), occupational therapy, and ABA therapy through JBA Institute of 5 hours per week of direct services and 3 hours per month of supervision. Claimant's parents did not sign the IEP. An addendum IEP was held on August 27, 2007, at which time the District offered 20 hours per week of in-home ABA services and three hours per month of supervision. Claimant's parents accepted the District's offer but rejected the offer of placement in a public school special day class. Claimant has not, at any time, attended a special day class through the District.

11. At the June 21, 2007, IFSP meeting, Claimant's parents requested that HRC fund 35 hours per week of in-home ABA services through JBA Institute. His parents presented a psychological evaluation report dated March 29, 2007, by Dr. Robin Morris. HRC agreed to assess the need for a 35 hour per week ABA program.

12. HRC's consulting psychologist, Dr. John Cone, evaluated Claimant's request for a 35 hour per week program. On July 11, 2007, he observed Claimant during one of his sessions with a JBA therapist. A second observation by Dr. Cone was scheduled for August 22, 2007. However, in the interim and based on Dr. Cone's recommendation, HRC increased its funding of Claimant's ABA services from 7.5 hours to 10 hours per week effective August 1, 2007 through October 31, 2007. By letter dated August 9, 2007, HRC notified Claimant's family of the increase in funding for ABA services to 10 hours per week. HRC did not receive any request for fair hearing expressing disagreement with the increase in services to 10 hours per week. Dr. Cone completed his second observation of Claimant on August 22, 2007.

13. By letter dated September 21, 2007, an attorney retained by Claimant's family repeated the family's request that HRC fund 35 hours per week of ABA services for Claimant, and also requested that HRC reimburse Claimant's parents for the ABA services they privately purchased from JBA Institute as of June 21, 2007. By letter dated October 16, 2007, HRC notified Claimant's parents of its determination that the 10 hours per week of ABA services funded by HRC was appropriate to meet Claimant's needs, given that he was receiving a comprehensive program of services through HRC and the District. HRC also indicated it was not required to reimburse Claimant's parents for services they purchased without collaboration with Claimant's HRC planning team.

14. On November 20, 2007, Claimant's parents filed a request for fair hearing to appeal HRC's denial of the request for additional hours of ABA services and reimbursement

for the services they privately funded. The fair hearing request indicated that Claimant was seeking from HRC funding for 10 hours per week of ABA services, eight hours per month of ABA supervision, and six hours per month of parent training, and reimbursement for privately funded ABA services since June 21, 2007.

*Effectiveness of Claimant's Current ABA Program*

15. Dr. John Cone is HRC's consulting psychologist. Dr. Robin Morris is a psychologist who performed a psychological evaluation of Claimant in March 2007, and a psychological re-evaluation in April 2008, at the request of Claimant's family. Janet Yi is the Director of JBA Institute who has supervised and provided ABA therapy to Claimant.

16. Dr. Cone, Dr. Morris, and Ms. Yi provided credible expert testimony. After considering their testimony, it is found that Dr. Morris and Ms. Yi were more persuasive than Dr. Cone regarding the effectiveness of Claimant's current ABA program.

17. Dr. Cone's opinion is that HRC should not fund an additional 10 hours per week of ABA services for Claimant. Dr. Cone reviewed the JBA Institute progress reports and Dr. Morris' two reports. Although JBA Institute and Dr. Morris report improvement in Claimant's development, Dr. Cone discounts those reports because they are not based on standardized testing. Dr. Cone believes that Claimant's scores on the Vineland Adaptive Behavior Scales (Vineland) are a better indication of the effectiveness of Claimant's current program. Dr. Cone reviewed Claimant's Vineland scores from 2006, 2007, and 2008. He found that Claimant's scores showed he made greater improvement between 2006 and 2007, when he was receiving less ABA hours, than between 2007 and 2008 under his current 40 hour per week program. Dr. Cone found the Vineland scores for 2007 and 2008 show that Claimant's skills in the areas of communication, daily living skills, and socialization actually decreased, even though he has been receiving 40 hours per week of ABA therapy.

18. Dr. Cone's opinion that he expected to see greater improvement in Claimant's adaptive skills, given the intensive program he has been receiving, was not persuasive. Dr. Cone agrees that Claimant requires an intensive program (25 to 40 hours per week), and Claimant should be on the "high end" of service hours. In the areas where Claimant's Vineland scores decreased (i.e., communication, daily living skills, and socialization), the testimony of Dr. Morris and Ms. Yi established that he did make progress in those areas.

19. In the area of communication, Claimant improved from using one word utterances to two to three word utterances. He has learned to appropriately ask for things and say "no" to nonpreferred activities instead of hitting and flailing. His tantrums are shorter and less intense. He shows less frequent self-injurious behavior. Instead of punching or banging his head against the wall, he now lightly taps his head with his hand to express frustration. In daily living skills, Claimant is now showing potty readiness in that he can sit on the toilet with assistance. He was previously resistant to going into a bathroom. Claimant's rigidity is lifting, in that he can now tolerate small changes to his routine and environment. Claimant shows greater tolerance in allowing others to bathe and dress him,

and to assist him with toileting. Claimant has improved in maintaining attention. He can now sit in a chair at a table, focus on a task, and complete five trials in a row. In the area of socialization, Claimant just recently started having play dates. He has shown improvement in socialization in that he now greets his therapists, expresses he is happy to see them, and interacts with them and other persons. Previously, Claimant would ignore his therapists or try to lead them out of the room. Claimant's mother reports that her son now asks for his JBA therapists and looks forward to his ABA sessions.

20. Claimant is in the moderate to severe range on the Autism Spectrum Disorder (ASD) and requires an intensive program to address his needs. In 2008, Claimant's ABA service hours were focused on working on self-help, toileting, and behavior. Dr. Morris finds that Claimant's behaviors have shown improvement but they are still a concern. Although she generally does not recommend 40 hours per week of services for children, she would do so for Claimant.

21. The testimony of Dr. Morris and Ms. Yi established that Claimant is not ready for a school setting. JBA therapists have found that Claimant requires a minimum of 50 trials before he learns a skill. Claimant would not receive that type of intensive attention in a school setting. Claimant is not an incidental learner, in that he does not learn by observing other people and modeling their behavior. Claimant requires one-to-one teaching with lots of repetition. Claimant's current program of 40 hours per week of ABA services is having success. As established by the testimony of Dr. Morris and Ms. Yi, Claimant should receive his ABA services at home and not in a school setting, as he learns best in a one-to-one setting.

22. The testimony of Dr. Morris and Ms. Yi established that Claimant is acquiring new skills. They attribute any increases in his challenging behaviors to the fact that, as he is making progress, more demands are being placed on him (such as sitting longer during non-preferred activities) which may cause an increase in behavior. Dr. Morris notes that, although Claimant still protests, he is learning to handle the increased demands in an appropriate way. Claimant's behaviors are "response bursts" which are seen in successful ABA programs. Dr. Morris' opinion is that, although standardized tests scores may indicate Claimant's program is not effective, the scores are only one piece of the puzzle. In evaluating the effectiveness of a program, Dr. Morris would consider any extreme decrease in test scores, reports of the parents, and her own observations.

23. Dr. Cone disagrees with Dr. Morris' opinion that the increase in Claimant's behaviors is due to the increased demands that are being placed on him. After intensive services, Dr. Cone would not expect to see a linear upward trend in bad behaviors. Dr. Cone is relying on Claimant's Vineland scores, which are based on responses by Claimant's mother to a standardized questionnaire. As Claimant's mother has become more knowledgeable and experienced in working with ABA techniques with her son, she is now better able to recognize problem behaviors than when she was first learning to address her autistic son's needs. Her more recent Vineland responses may give a more accurate picture of Claimant's

progress than her earlier Vineland responses, but which is not to say the earlier Vineland responses were invalid or untruthful.

24. Dr. Cone agrees that Claimant is benefiting from the services currently provided by JBA. In a report dated September 26, 2007, Dr. Cone wrote, in part:

After observing [Claimant] at home on two occasions (one with and one without JBA staff), after reviewing extensive documentation providing objective data on his developmental levels, and after reviewing reports from AST, JBA and [the District], including his most recent IEP, it is my impression he is benefiting from the services currently provided by JBA. His greatest deficits are in receptive/expressive language, self-care, and self-direction. The provision of an intensive ABA program is critical if he is to accelerate his delayed development. . . . JBA appears to have appropriate goals for an RC-funded program at home, with most of the emphasis on self-care and self-direction skills.

25. The testimony of Claimant's mother established there has been improvement in her son's communication, behavior, and self-care skills, as found by Dr. Morris and Ms. Yi.

26. After considering all testimony and evidence, it was established that Claimant's current program of 40 hours per week of ABA services provided by JBA Institute is necessary and effective to address his behavior, self-care, and communication needs.

#### *Request for Reimbursement*

27. Claimant's parents seek reimbursement for ABA services they purchased from JBA Institute at a rate of \$56.25 per hour. For June 2007, Claimant's parents seek reimbursement of \$646.88. For July 2007, Claimant's parents seek reimbursement of \$2,587.50. For August 2007, the reimbursement sought is \$1,420.31. For September 2007, the reimbursement sought is \$885.94. For October 2007, the reimbursement sought is \$829.70. For November 2007, the reimbursement sought is \$1,125. For December 2007, the reimbursement sought is \$773.44. For January 2008, the reimbursement sought is \$717.19.

28. Claimant's parents did not have invoices for February 2008 and March 2008. Claimant's mother testified that the reimbursement sought for February 2008 is \$1,420.31, and \$1,546.87 for March 2008.

29. Thus, the total reimbursement sought by Claimant's parents in this matter is \$11,953.14.

30. HRC was not notified by Claimant's parents that they were privately funding ABA services. Claimant's parents did not submit invoices to HRC for reimbursement of self-funded ABA services. Other than the fair hearing request, HRC had no notice that Claimant's family would be seeking reimbursement for self-funded ABA services.

## LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Welf. & Inst. Code, § 4500 et seq.)<sup>3</sup> An administrative "fair hearing" to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (§§ 4700-4716.) Claimant requested a fair hearing to appeal the Service Agency's denial of his service request and jurisdiction for this case was thus established.

2. When one seeks government benefits or services, the burden of proof is on him. (See, e.g., *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 (disability benefits).) The standard of proof in such cases requires proof by a preponderance of the evidence, because no other law or statute, including the Lanterman Act, requires otherwise. (Evid. Code, § 115.)

3. Although HRC funds some amount of ABA for Claimant, it has not previously agreed to fund the amount currently requested by Claimant or to reimburse Claimant's parents for the ABA services they are self-funding. Therefore, Claimant has the burden of establishing entitlement to that relief by a preponderance of the evidence.

4. When deciding what services to provide a consumer, a regional center has a duty to provide services that meet the consumer's needs and preferences and that are also a cost-effective use of public resources. (§§ 4640.7, subd. (b), 4646, subd. (a).) The service agency must also follow the intent of the Legislature as stated in Welfare and Institutions Code section 4646, subdivision (a), to provide services that take into account the needs and preferences of the consumer. The service agency is required to secure needed services and supports that will be effective in meeting the goals stated in the consumer's individual program plan. (§§ 4646, subd. (a) and 4648, subd. (a)(1).) The regional center is required to "find innovative and economical methods of achieving the objectives" of the client's individual program plan (IPP). (§ 4651).

5. The Lanterman Act specifically contemplates ABA services. For example, section 4512, subdivision (b), specifically defines "services and supports for persons with developmental disabilities" to include, in part, "behavior training and behavior modification training," and section 4685, subdivision (c)(1), requires service agencies to give high priority to services intended to allow a child consumer to remain at home, such as "behavior modification programs."

6 Pursuant to section 4659, regional centers are required to "identify and pursue all possible sources of funding for consumers receiving services." Subdivision (a)(1) of section 4659 identifies such sources to include "[g]overnmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the

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<sup>3</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

Civilian Health and medical Program for Uniform Services, school districts, and federal supplemental security income and the states supplementary program."

7. Furthermore, section 4648, subdivision (a)(8), provides that "Regional Center funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services."

8. However, when a generic agency fails or refuses to provide services and supports that a consumer needs to maximize his or her potential for a normal life, the Lanterman Act requires the service agency to make up the service shortfall. For example, section 4501 states that "[t]he complexities of providing services and supports . . . requires the coordination of services of many state departments and community agencies to ensure that no gaps occur in communication or provision of services and supports." Similarly, section 4647, subdivision (a), directs regional centers to secure services "through purchasing or by obtaining from generic agencies or other resources, service and supports specified in the person's individual program plan . . . ." Based on provisions such as these, and others, it is said that the regional center is the "payer of last resort."

9. It was established by a preponderance of the evidence that Claimant's current program of 40 hours per week of ABA services is necessary and effective to address his needs in areas that are within the responsibility of HRC under the Lanterman Act. (Factual Findings 15-26.) Therefore, HRC shall fund the additional 10 hours per week of ABA services currently being self-funded by Claimant's parents. Some of these additional 10 hours per week should be utilized to provide parent training to Claimant's father and grandparents. Claimant's mother, given her experience and abilities, is another available resource to assist in providing parent training.

#### *Request for Reimbursement*

10. The primary goal identified in the Lanterman Act is to enable clients with developmental disabilities to approximate the pattern of everyday living enjoyed by non-disabled people of the same age and to lead more independent and productive lives in the community. (*Association for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

11. In arriving at services aimed at meeting the aforementioned goals, a client's individual program plan (IPP) "shall be reviewed and modified by the planning team . . . as necessary, in response to the person's achievement or changing needs, . . ." (§ 4646.5, subd. (b).) The planning process relative to an IPP shall include, among other things, "[g]athering information and conducting assessments to determine the . . . concerns or problems of the person with developmental disabilities." (§ 4646.5, subd. (a).)

12. The creation of an IPP is a collaborative process. (§ 4646.) The IPP is created after a conference consisting of the consumer or his representatives, service agency

representatives and other appropriate participants. (§§ 4646, 4648.) A service agency is then required to secure the services and supports necessary to satisfy the consumer's needs determined in the IPP. (§ 4648.) The purpose of an IPP is "a statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time limited objectives for implementing the person's goals and addressing his or her needs." (§ 4646.5, subs. (a)(1) and (2).)

13. If the parties cannot agree on the provision of a service after the IPP process, a hearing officer shall make the decision after a hearing. For example, section 4646, subdivision (g), specifies that the service agency drafts the IPP, and that if a consumer does not agree with all of the provisions of the IPP, he or she "shall be sent written notice of the fair hearing rights, as required by Section 4701." Section 4710, subdivision (a), similarly requires a service agency to give written notice to a consumer of an action the service agency proposes without the consent of the consumer. Section 4710.5, subdivision (a), provides that upon receipt of any such written notice of a proposed action, a dissatisfied client can request a fair hearing.

14. Based on the above statutes, a service agency is required and legally obligated to participate in the decision-making process before a service is implemented or expenses for it incurred. Where the parties disagree, the hearing process will resolve the dispute.

15. The Lanterman Act does not specifically authorize retroactive reimbursement. The above-described statutes detailing the IPP process suggest that reimbursement is generally not available, particularly where the development of the IPP is supposed to be a collaborative process between the parties. As discussed above, the process necessarily requires prior consideration and approval of any support or service provided to an individual client and thus suggests reimbursement is not typically available.

16. In addition, California Code of Regulations, title 17, section 50612, subdivision (b), specifically limits retroactive authorization of services as follows:

The authorization shall be in advance of the provision of service, except as follows:

- (1) A retroactive authorization shall be allowed for emergency services if services are rendered by a vendored service provider:
  - (A) At a time when authorized personnel of the regional center cannot be reached by the service provider either by telephone or in person (e.g., during the night or on weekends or holidays);

(B) Where the service provider, consumer, or the consumer's parent, guardian or conservator, notifies the regional center within five working days following the provision of service; and

(C) Where the regional center determines that the service was necessary and appropriate.

17. In this case, following a strict reading of the Lanterman Act and its accompanying regulations supports the Service Agency's denial of Claimant's request for retroactive reimbursement. No evidence was presented establishing the kind of emergency situation contemplated by this regulation. AST's termination of services was not an emergency situation, but resulted from the family's request to change ABA providers. Claimant's mother refused to meet with AST and HRC to discuss and attempt to resolve the family's concerns about AST.

18. Yet, the lack of specific statutory or regulatory authorization is not necessarily dispositive of the issue. If the Lanterman Act is to be applied as the legislature intended, reimbursement may be available in particular cases where equity requires it. For example, section 4706, subdivision (a), includes broad language empowering the hearing officer to resolve "all issues concerning the rights of persons with developmental disabilities to receive services under [the Act] . . . ." In addition, and based on the above-described general principles articulated in the *Association for Retarded Citizens* case, some fair hearing cases previously decided by the Office of Administrative Hearings (OAH) have ordered reimbursement when the principles of equity apply, or when, if not granted, the purposes of the Lanterman Act would be thwarted. (See, e.g., *Tara R. v. Harbor Regional Center* (2000) OAH No. 2000110355; *H.G. v. Harbor Regional Center* (2002) OAH No. 2002090357.)<sup>4</sup>

19. In this case, equitable considerations do not require HRC to reimburse Claimant's parents. When Claimant's parents requested that HRC fund a 35 hour per week ABA program at the June 21, 2007, IFSP meeting, they did not indicate they would be self-funding such a program and seeking reimbursement if HRC denied the request. It cannot be concluded that HRC should, after the fact, be expected to bear the expenses of a services initiated outside of the IPP process. Claimant's parents acted unilaterally and deprived HRC of the opportunity to consider their request for reimbursement through the IPP process.

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<sup>4</sup> Prior OAH decisions are not binding precedent but they are deemed to be advisory.

ORDER

1. Harbor Regional Center shall forthwith provide funding for Claimant to receive an additional 10 hours per week of in-home applied behavior analysis services and appropriate supervision through JBA Institute.

2. The request for reimbursement for self-funded ABA services provided by JBA Institute from June 21, 2007, to the date of this Decision is denied.

DATED: June \_\_\_, 2008

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ERLINDA G. SHRENGER  
Administrative Law Judge  
Office of Administrative Hearings

**NOTICE**

**This is the final administrative decision pursuant to Welfare and Institutions Code section 4712.5, subdivision (a). Both parties are bound by this decision. This decision may be appealed to a court of competent jurisdiction within 90 days of receipt of notice of this decision.**