

# NLACRC Tutoring Services – Basic Eligibility Criteria

*Tutoring may be considered for funding only if ALL of the following criteria are met. These criteria are intended to guide consistent regional center decision-making; however, it is not a substitute for individual program planning/person-centered discussion and does not create entitlement to services. This service is an exception to NLACRC Purchase of Service Policies (Service Standards) and therefore requires Manager level review and Director level approval prior to authorization.*

## 1. Disability-Related Need

Tutoring may be considered for funding only when the need is **directly related to the consumer’s qualifying developmental disability and impacts functional skills.**

- The service must address **functional limitations** associated with the consumer's disability (e.g., executive functioning, adaptive or functional academic skills, functional literacy or numeracy, independence, or vocational preparation).
- Requests based solely on general academic performance, homework completion, or test preparation do not meet this standard unless an individualized assessment indicates these difficulties stem from **disability-related functional limitations.**

*Legal Authority:* Welf. & Inst. Code §§ [4512\(b\)](#).

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## 2. IPP Necessity

Tutoring must be **identified through the Individual Program Plan (IPP) process as necessary to achieve a specific IPP goal or objective.**

- The service must be required for the consumer to **make progress, avoid regression, or achieve the identified goal.**
- The goal must reflect **functional or developmental outcomes**, not general educational advancement.

*Legal Authority:* Welf. & Inst. Code §§ [4434\(c\)](#), [4646](#), [4646.4](#), [4646.5](#), [4648\(a\)\(1\)](#).

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## 3. Not Duplicating or Replacing/Supplanting the School District’s Responsibilities

- The **educational services sought are not required under the student’s IEP.**
- The school has been asked to address the identified need and has **declined or indicated an inability to provide the service.**
- Funding would **not duplicate educational services** required under the **Individuals with Disabilities Education Act (IDEA) or Free Appropriate Public Education (FAPE)<sup>1</sup> obligations.**

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<sup>1</sup> **FAPE** refers to special education and related services provided at public expense and in conformity with an Individualized Education Program (IEP), as required by the IDEA. An IEP must be reasonably calculated to provide educational benefit and enable progress appropriate in light of the student’s circumstances. Services required to meet this standard fall within the responsibility of the school district and may not be duplicated or replaced through regional center funding.

In evaluating duplication or replacement, consideration includes:

- Does the student have an **IEP**?
- Was the issue raised with the **IEP team**?
- Could the school address the need through:
  - Specialized Academic Instruction
  - Resource support
  - Learning center services
  - Academic intervention programs
  - or other services available through the IEP process

Regional centers **cannot replace educational services required for FAPE**.

If tutoring is needed to provide or improve **FAPE**, it is the **school district's responsibility**; if it is necessary to achieve **IPP goals** and no other agency is responsible, **regional center may fund under the Lanterman Act**.

**Legal Authority:** Individuals with Disabilities Education Act ([20 U.S.C. § 1412](#)); [34 C.F.R. Part 300](#); [Cal. Educ. Code § 56000 et seq.](#); Welf. & Inst. Code §§ [4646.4](#), [4659](#), [4648\(a\)\(8\)](#).

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#### **4. School District Resources Have Been Explored and Exhausted**

The school district must be given a **reasonable opportunity to address the identified need**, consistent with the **IPP team's assessment of urgency and the consumer's needs**, prior to regional center funding.

At minimum, the record must demonstrate:

- The concern was **raised with the IEP team**;
- A **request for services or supports was made**; and
- The school district **responded** (e.g., provided services, denied the request, or indicated inability to provide).

Additional efforts (e.g., IEP meetings, reassessments, Independent Educational Evaluations (IEEs), or informal/alternative dispute resolution) should be pursued **when appropriate**. Formal due process is not required in all cases; however, **reasonable and documented efforts must be shown**.

**Legal Authority:** Welf. & Inst. Code §§ [4646.4](#), [4659](#), [4648\(a\)\(8\)](#).

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#### **5. Generic Resources Have Been Explored and Exhausted**

The regional center shall ensure that **all available generic resources** have been explored and determined to be **unavailable, inappropriate, or insufficient** to meet the consumer's disability-related need.

Examples include:

- School-based tutoring or intervention programs
- After-school or community programs
- Library or nonprofit services
- Insurance or other funding sources

**Legal Authority:** Welf. & Inst. Code §§ [4646.4](#), [4659](#), [4648\(a\)\(8\)](#).

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## 6. Service Gap Exists

A **service gap must exist**, meaning the identified disability-related need is **not being met by the school district or any generic resource**.

- This may include documented **denial, delay, or inability** of another agency to provide the service.
- The service gap must result in the consumer being **unable to access services necessary to achieve IPP goals**.
- Tutoring must be the **most appropriate service**, and **no alternative service is available that can effectively meet the identified need**.

*Legal Authority:* Welf. & Inst. Code §§ [4646.4](#), [4659](#), [4648\(a\)\(8\)](#).

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## 7. Cost Effective

The service must be **cost-effective**, meaning it is the **least costly option that will effectively meet the consumer's identified disability-related need**.

- The type, frequency, and duration of tutoring must be **reasonable and justified**.

*Legal Authority:* Welf. & Inst. Code § [4640.7\(b\)](#), [4646\(a\)](#), [4648\(a\)\(6\)\(D\)\(ii\)](#).

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## 8. Documentation Supports the Need

The case record must contain **sufficient documentation to support the request**, including, as applicable:

- Current IEP and educational records
- Relevant assessments and evaluations
- Progress data and/or teacher input
- Professional recommendations
- IPP notes documenting discussion and need

Documentation must support both **approval and denial** decisions.

*Legal Authority:* Welf. & Inst. Code §§ [4434\(c\)](#), [4646](#), [4646.4](#), [4646.5](#), [4648\(a\)\(8\)](#).

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## Final Determination Standard

Tutoring services may be considered for funding through a regional center vendor and **only when all criteria above are satisfied**. If any criterion is not met, the request may be **denied**, and the record must clearly document the basis for the decision and any recommended next steps, referrals, or alternative resources. Approval decisions remain subject to regional center discretion, exercised in accordance with the criteria above and based on the **totality of the record**.

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## Summary Principle

Tutoring may be considered for funding through a regional center vendor **only when it is necessary to implement the IPP due to a disability-related need and is not available through the school district or any other resource**.

## Exception Staffing Review

Name:

UCI #

DOB:

For CSC completion:

Date of Review:

All Criteria Met (as described above):

- Criteria 1- Disability Related Need
- Criteria 2- IPP Necessity
- Criteria 3- Not Duplicating or Replacing/Supplanting the School District's Responsibilities
- Criteria 4- School District Resources Have Been Explored and Exhausted
- Criteria 5- Generic Resources Have Been Explored and Exhausted
- Criteria 6- Service Gap Exists
- Criteria 7- Cost Effective
- Criteria 8- Documentation Supports the Need
  - Documentation that was reviewed-

Additional notes/information (as applicable):

CSS Review:

CSM Review:

Exception Staffing Review Date:

- Request Approved
- Request Not Approved

Director Review:

Next Review Date (if applicable):

Recommendation: