

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Interagency Dispute Matter of :

CALAVERAS COUNTY CHILDREN'S
SERVICE PROGRAM AND CALIFORNIA
DEPARTMENT OF HEALTH CARE
SERVICES,

v.

CALAVERAS COUNTY OFFICE OF
EDUCATION AND CALIFORNIA
DEPARTMENT OF EDUCATION

OAH CASE NO. 2013030461

ORDER DENYING REQUEST FOR
EVIDENTIARY HEARING AND
GRANTING REQUEST FOR
BRIEFING SCHEDULE

On March 12, 2013, the California Department of Education (CDE) and the California Department of Health Care Services (DHCS) jointly submitted to the Office of Administrative Hearings (OAH) an interagency dispute for resolution pursuant to Government Code section 7585, subdivision (c), along with joint enclosures. On March 14, 2013, OAH served a Notice of Receipt directing the parties to submit any preliminary motions within five business days thereafter.

On March 19, 2013, DHCS, on behalf of Calaveras County Children's Service Program (CCS), filed a response with the following requests for: (1) OAH Director Linda Cabatic to decide the case; (2) in the alternative, an OAH General Jurisdiction designee to decide the case; (3) an evidentiary hearing; and (4) a briefing schedule. CDE and Calaveras County Office of Education (CCOE), have not filed a response to the requests.

1. Director's Designation and General Jurisdiction: The OAH Director has issued a separate order dated March 25, 2013, directing the parties to file responses to these requests and they will be addressed by separate order.

2. Evidentiary Hearing: Government Code section 7585, subdivision (d) requires OAH to review the issue submitted by the parties and submit findings in the case "within 30 calendar days of receipt of the case." Further, the decision is binding on the parties to the dispute. There is no provision for an evidentiary hearing in the statute. In this matter, the parties jointly submitted a package of enclosures in which the issue argued is a matter of the

legal interpretation of the applicable law, and not a dispute as to underlying facts.¹ DHCS's request for an evidentiary hearing is therefore denied.

4. Briefing Schedule: The issue before OAH involves legal arguments which have already been made at length in the letters between the parties and other documents submitted to OAH for resolution. However, in the interests of assuring the parties of a final opportunity to submit supplement information and argument, the parties may file and serve any final argument and/or other relevant documents with OAH by 5:00 p.m. on Friday, March 29, 2013. Each party has one right of reply to be filed and served by 5:00 p.m. on Wednesday, April 3, 2013.

Dated: March 26, 2013

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

¹ For example, among the 152 pages submitted, the parties jointly submitted the Student's individualized education program (IEP) and the Interagency Agency Agreement between CCS and CCOE.