

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL  
DISTRICT, TWIN RIVERS UNIFIED  
SCHOOL DISTRICT, SACRAMENTO  
COUNTY MENTAL HEALTH,  
SACRAMENTO COUNTY PROBATION  
DEPARTMENT, SACRAMENTO  
COUNTY OFFICE OF EDUCATION,  
CALIFORNIA DEPARTMENT OF  
MENTAL HEALTH, AND CALIFORNIA  
DEPARTMENT OF EDUCATION.

OAH CASE NO. 2009050043

ORDER DENYING STUDENT'S  
MOTION TO DETERMINE PUBLIC  
AGENCY RESPONSIBILITY FOR  
STUDENT'S PROGRAM AND  
ALTERNATIVE MOTION TO  
BIFURCATE HEARING AND HAVE  
EXPEDITED HEARING REGARDING  
PUBLIC AGENCY RESPONSIBILITY

On May 11, 2009, Student filed a motion asking OAH to determine the public agency responsible for Student's educational program and an alternative motion to bifurcate the due process hearing to have an expedited hearing to determine agency responsibility.

Student's request to determine which public agency is responsible for Student's education is denied because that issue cannot be decided prior to an evidentiary hearing. Student's alternative request that the matter be bifurcated and that the threshold issue of agency responsibility heard on an expedited schedule is denied because only disputes involving discipline may be expedited.<sup>1</sup>

IT IS SO ORDERED this 27th day of May, 2009

/s/

TREVOR SKARDA  
Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> Student may renew her request for bifurcation at the prehearing conference.