

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PLUMAS UNIFIED SCHOOL DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009110449

ORDER DENYING MOTION TO  
COMPEL ASSESSMENT

On November 13, 2009, Plumas Unified School District (District) filed a pleading with the Office of Administrative Hearings (OAH) entitled: "Request for Due Process; Motion to Compel Assessment," naming Student and Student's parent (Student) as respondents.

The District's due process hearing request, among other things, seeks a ruling from OAH on whether a behavior assessment is necessary for Student. One of the proposed resolutions in the due process request asks OAH to "grant its motion to compel assessment...." The final page of the pleading includes a section entitled "Motion to Compel Assessment."

It is not clear from this pleading whether the District is requesting a prehearing ruling on a motion to compel an assessment or has simply included the motion to compel in its pleading as part of the remedy sought at the due process hearing. If the latter is true, then no ruling on the motion is necessary at this time. The District's issues regarding assessment will be addressed during the due process hearing. If the District intended the pleading to constitute a prehearing motion, separate from the due process hearing, the District should re-file the motion, including enough information to determine whether it is an appropriate motion for prehearing ruling, and an indication that the motion was served on Student.

Based upon the ambiguity in the filing, the motion is denied.

IT IS SO ORDERED.

Dated: November 25, 2009

/s/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings