

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WINDSOR UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010031210

ORDER DENYING STUDENT'S
MOTION TO RECORD
ASSESSMENTS AND/OR CONDUCT
ASSESSMENTS WITHIN 60 DAYS

District filed its due process hearing request on March 17, 2010. The request raises one issue: May District reassess Student in accordance with a September 25, 2009 assessment plan and February 9, 2010 settlement agreement over parent's objection without parental conditions.

On April 6, 2010, Student filed a document entitled, in part, "Motion to Allow Taping of Assessments and to Specify Which Assessments it is going to Administer" and "Motion to Require the District to comply with the 60 Day Timeline of IDEA With Regards to the Assessment Plan of February 9, 2010" (together Motion). The Motion contained numerous documents and argument about how Student perceived the instant matter to be progressing. However, nothing in the Motion demonstrated that the requests were being made to further the hearing process. Instead, it appears that the Motion is seeking to add conditions to the assessments that are the subject of the District's due process hearing request. On April 12, 2010, District opposed the Motion on the ground that Student's request was addressed by the issue in the case, i.e., it sought to condition agreed-to assessments and on the ground that the motion did not address an issue related to the hearing process. As discussed below, the Motion must be denied.

The Motion on its face seeks to impose conditions and/or call into question the procedures used during the assessments that are the very subject of District's due process hearing request. Student has not demonstrated any need for pre-hearing relief because Student's requests are addressed by the allegations in District's case, i.e., that District was unable to timely assess Student due to parent imposing assessment conditions. Student will have an opportunity to present these arguments at hearing, rather than as a pre-hearing motion. Accordingly, the Motion is denied.

Dated: April 23, 2010

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings