BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016090918
v.	Order On Supplemental Briefing And Continuing 45-Day Decision Timeline
BUENA PARK SCHOOL DISTRICT.	

The due process hearing in this matter was conducted on February 7-9, 2017, and was continued until March 13, 2017 for closing briefs, which were timely submitted. The matter is now under submission. Yesterday, March 22, 2017, the United Stated Supreme Court issued its decision in *Endrew F. v. Douglas County School District* (March 22, 2017, No. 15-827) 580 U.S. __ , 2017 WL 1066260 (*Endrew*) in which the Court addressed a local educational agency's substantive obligation under the Individuals with Disabilities in Education Act when offering a student an individualized education program

By this Order, the parties are given the opportunity to submit supplemental briefs concerning the potential effect of the *Endrew* decision on this pending matter. The matter is therefore further continued from today, March 23, 2017 to Monday, April 3, 2017 to enable the submission of supplemental briefs, which shall not exceed 10 pages in length. The matter will then be considered re-submitted.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

For good cause due to the issuance of the *Endrew* decision, this matter is continued from March 23, 2017 to April 3, 2017 to allow that the parties may provide supplemental briefing.

IT IS SO ORDERED.

DATE: March 23, 2017

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June Lehrman
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JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings