



Outlook

Re[3]: In re DU and AU (24DP229-001) - Order re: Request for Continuance

From Angela Gupta <angela@adrmediate.com>**Date** Thu 08/15/2024 14:40**To** Crista Grimwood <cgrimwood@ksde.org>

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Crazy timing for sure!

----- Original Message -----

From "Crista Grimwood" <cgrimwood@ksde.org>

To "Angela Gupta" <angela@adrmediate.com>

Date 8/15/2024 2:20:24 PM

Subject RE: Re: In re DU and AU (24DP229-001) - Order re: Request for Continuance

Hello Angela,
Received. Crazy timing! I literally sent you an email about the same case but different issue. Thank you for letting me know and I will document this within the case file.

Thanks,



Dr. Crista Grimwood, Ed.D
Education Program Consultant:
Dispute Resolution Coordinator
Special Education & Title Services

(785) 296-7262

cgrimwood@ksde.org

www.ksde.org

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From: Angela Gupta <angela@adrmediate.com>
Sent: Thursday, August 15, 2024 2:06 PM
To: Crista Grimwood <cgrimwood@ksde.org>
Subject: Fw: Re: In re DU and AU (24DP229-001) - Order re: Request for Continuance

EXTERNAL: This email originated from outside of KSDE. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Dr. Grimwood,

I wanted to provide an update to let you know that I am granting the District's request to continue the due process hearing that is currently scheduled to begin on September 16, 2024 (see emails below).

A new date for the hearing will be determined at an upcoming status conference with the parties/counsel, and I plan to issue a detailed written order following the conference (that I will also forward to you).

Please let me know if you have any questions or concerns.

Thanks,
Angela

Angela D. Gupta

Mediator | Arbitrator | Due Process Hearing Officer
913.558.6963 (d)

[Bio](#) | [Calendar](#) | www.adrmediate.com

Associates in Dispute Resolution LLC

Assistant: Dawn Dawson | 785.357.1800 | dawn@adrmediate.com

Offices in Kansas City, Missouri and Topeka, Kansas



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----- Forwarded Message -----

From "Angela Gupta" <angela@adrmediate.com>

To "Lovett Bowman, Stephanie" <slovettbowman@spencerfane.com>; "dawn@adrmediate.com" <dawn@adrmediate.com>

Cc "Hillman, Melissa D." <MHillman@bluevalleyk12.org>; "Perry, Madison" <mperry@spencerfane.com>; "Tolga Ulusemre" <tulusemre@gmail.com>; "xu xiaolei" <rainxxl@hotmail.com>; "Shelby, Jennifer" <jshelby@spencerfane.com>

Date 8/15/2024 1:49:34 PM

Subject Re: In re DU and AU - Order re: Request for Continuance

Good afternoon,

The District's request to continue the due process hearing is granted for good cause shown. A written order will follow the upcoming status conference to be promptly scheduled with the parties.

A new date for the due process hearing will be determined at the status conference. Further, the undersigned will consider Parents' discovery request for internal correspondence at the conference.

As previously stated, the parties/counsel should promptly communicate with Dawn Dawson to find a mutually agreeable date/time for the status conference. Please allow up to three hours for the conference.

It is so ordered.

Angela D. Gupta

Due Process Hearing Officer

Associates in Dispute Resolution LLC

Assistant: Dawn Dawson | 785.357.1800 | dawn@adrmediate.com

Offices in Kansas City, Missouri and Topeka, Kansas

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----- Original Message -----

From "Lovett Bowman, Stephanie" <slovettbowman@spencerfane.com>

To "Angela Gupta" <angela@adrmediate.com>; "dawn@adrmediate.com" <dawn@adrmediate.com>

Cc "Hillman, Melissa D." <MHillman@bluevalleyk12.org>; "Perry, Madison"

<mperry@spencerfane.com>; "Tolga Ulusemre" <tulusemre@gmail.com>; "xu xiaolei"

<rainxxl@hotmail.com>; "Shelby, Jennifer" <jshelby@spencerfane.com>

Date 8/14/2024 11:22:55 AM

Subject In re DU and AU - request for continuance

Ms. Gupta,

After careful consideration of your orders and directives, Blue Valley U.S.D. 229 requests a continuance of the hearing date in this matter—presently set to occur September 16-27, 2024. Good cause supports this request for the following reasons.

First, the current deadline of September 13, 2024 for the District to disclose its rebuttal expert witnesses is just one business day prior to the hearing. It is not realistic for the District to identify experts on September 13, and have them prepared to testify the very next business day. At this time, we do not know how many experts Parents intend to identify or what the scope of their opinions may be—or whether there may be a basis to exclude them. The District has received only general, confusing information. Parents did not even remotely satisfy the expert disclosure requirements by the original deadline, and to date, have still not provided any substantive information regarding their experts. The current schedule provides the District less than 30 days to identify an expert(s), obtain a report/opinions from the expert(s), and prepare the expert(s) for testimony. Parents have been given great latitude in extending this deadline and expanding the factual issues in this due process. It is extremely prejudicial to the District's defense to require it to adhere to the expedited schedule while Parents are allowed multiple opportunities to meet this deadline and others.

Second, the ongoing disputes between the parties regarding the scope of the issues and scope of relevant evidence have consumed and are poised to continue to consume an inordinate amount of time that the District needs to devote to preparing for the hearing. The Parents' piecemeal requests and rolling disputes have resulted in frequent projects and immediate needs for the District to respond. For instance, the joint pre-hearing order was due on August 2, almost two weeks ago. The Parents did not supply their portions of the order by the deadline. As a result, the Hearing Officer spent what was likely considerable time attempting to summarize their factual contentions for them, and then understandably has allowed the parties additional time to make supplements to ensure the pre-hearing order adequately includes the parties' positions. As of today, we do not have a final pre-hearing order in place, and the District will be forced to reserve the right to supplement further in the event that Parents add factual contentions beyond what was already included. The parties' deadline to make final supplements to initial disclosures is Monday, August 19, just days away. The ultimate effect of these delays is that rather than getting organized for the hearing, the District has been obligated to spend much of the last month responding to pop-up issues. The District has had very little time to focus on its actual defense for the hearing. This problem is exacerbated by the Parents' continued effort to present extraneous issues that are not relevant to the issues to be decided.

Third, the Parents' continual effort to expand the factual issues for the hearing necessitates the Hearing Officer's time and attention prior to the hearing. The current schedule does not allow sufficient time for the Hearing Officer to consider and rule upon important pre-hearing matters. Both parties have a right to adequate notice of the scope of evidence that will be considered well before the hearing. The Parents' current witness list includes more than 70 potential witnesses. While the Hearing Officer will have the opportunity to consider motions in limine and requests to subpoena

witnesses before the hearing, the District anticipates lengthy and time-consuming disputes that will again take away precious preparation time and leave the scope of evidence uncertain. This too is prejudicial to the District. Given the volume of facts the Parents have raised and how the proceedings have played out thus far, this matter merits more pre-hearing attention and pre-hearing rulings than the average due process case.

Accordingly, the District requests a continuance of the due process hearing to a reasonable date to be selected after discussion between the parties and the Hearing Officer.

Thank you.

Stephanie Lovett-Bowman Partner

Spencer Fane LLP

1000 Walnut, Suite 1400 | Kansas City, MO 64106

📞 816.292.8216 📠 816.474.3216

slovettbowman@spencerfane.com | spencerfane.com