

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TEXARKANA, ARKANSAS SCHOOL
DISTRICT

PLAINTIFF

v.

Case No. 4:15-cv-04101

T.R., by and through his parents, K.R. and R.R.

DEFENDANT

KIMBERLY RANGLES AND REGINALD RANGLES,
Individually, and as Next Friends of T.

THIRD-PARTY PLAINTIFFS

v.

TEXARKANA SCHOOL DISTRICT; BECKY KESLER,
Superintendent of Schools, Individually; and
SHERRY YOUNG, Director of Special Education,
Individually

THIRD-PARTY DEFENDANTS

ORDER

Before the Court is Defendant's/Third-Party Plaintiffs' ("Parents") Motion to Stay Consideration of District's Motion for Summary Judgment. ECF No. 30. Plaintiff/Third-Party Defendant Texarkana, Arkansas School District ("District") has filed a response. ECF No. 34. The Court finds the matter ripe for consideration.

This case involves IDEA claims, which are the subject of the District's administrative appeal, and non-IDEA claims, which are the Parents' claims against the District and individually named Defendants for unlawful racial and disability discrimination pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. The Parents' claims against the District, or the non-IDEA claims, are subject to a jury trial while the IDEA claims are for the Court to resolve.

The District has filed a summary judgment motion that encompasses both the IDEA claims

and non-IDEA claims. The standard of review, however, is different for an IDEA appeal as compared to the standard of review for a summary judgment motion on non-IDEA claims. Further, the IDEA claims do not involve the potential individual liability of Third-Party Defendants Becky Kesler or Sherry Young. Thus, the Parents move the Court to stay consideration of the non-IDEA claims until the IDEA claims have been decided.

Upon consideration, the Court finds that the Parents' motion (ECF No. 30) should be and hereby is **GRANTED**.¹ The Court will stay its consideration of the non-IDEA claims until the IDEA claims have been decided. **The jury trial scheduled for October 17, 2016, is cancelled.** Once the IDEA claims have been decided on the briefs that have already been submitted, the Court will issue a new trial date and scheduling order for the non-IDEA claims, should these claims survive the District's summary judgment motion.

IT IS SO ORDERED, this 25th day of August, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

¹The Parents also move the Court to stay consideration of the District's summary judgment motion until certain alleged deficiencies in the District's Statement of Facts are corrected. It appears to the Court that this issue is MOOT. The Parents have responded to the District's Statement of Facts despite their argument that the Statement of Facts is deficient because it is not concise and does not include citations to the record. Should the Court, however, find the Statement of Facts deficient for purposes of deciding the summary judgment motion, it will notify the District of any deficiencies.