

**IN THE SUPREME COURT
OF THE STATE OF KANSAS**

Kristen Butler, et al.,

Plaintiffs,

v.

**Shawnee Mission School District Board of
Education,**

Defendant-Appellee.

Attorney General Derek Schmidt,

Intervenor-Appellant.

Case No. 124205

Application to File an *Amicus Brief*

APPLICATION TO FILE AN AMICUS BRIEF

Pursuant to Kansas Supreme Court Rule 6.06, Blue Valley Unified School District No. 229 respectfully applies for leave to file an *amicus* brief regarding the Johnson County District Court's ruling in Case No. 21CV2385, which held that Kan. Leg. 2021 SB 40 (SB 40) is unconstitutional and unenforceable.

1. Blue Valley U.S.D. 229 is a public school district located in Johnson County, Kansas.
2. Blue Valley's interest in this case is based on its extensive experience defending against SB 40 grievances and lawsuits during the tumultuous end to the 2020-21 school year.
3. As will be detailed in Blue Valley's proposed *amicus* brief, Blue Valley received nine SB 40 grievances, which consumed almost 200 hours of staff time and significant school district resources, giving Blue Valley valuable perspective about SB 40's real world implications.

4. The proposed *amicus* brief provides Blue Valley’s insight into the separation of powers, due process, and home rule concerns the district court identified in its order holding that SB 40 is unconstitutional.

5. Blue Valley respectfully asks the Court to grant the instant motion and issue an order permitting the filing of Blue Valley’s *amicus* brief as a separate, signed document.

Dated: September 8, 2021

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CERTIFICATE OF SERVICE

I certify that on September 8, 2021, the foregoing was electronically filed with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to registered participants, and a copy was electronically mailed to:

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