

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DISTRICT

A.N., A MINOR BY AND THROUGH HER NEXT
FRIEND, J.N.,

Plaintiff,

v.

JACKSON R-II SCHOOL DISTRICT, ET AL.,

Defendants.

Case No. 1:24-cv-00239-CMS

DEFENDANTS' STATEMENT OF UNCONTROVERTED MATERIAL FACTS

1. A.N. was a 12-year-old student in the Jackson R-II School District during the 2024-2025 school year. Second Amended Complaint, at ¶ 1-2.
2. The Jackson R-II School District is a public school district in Missouri. Second Amended Complaint, at ¶ 3.
3. In the week before September 12, 2024, there were many social media posts about school shootings and threats across the country. See Deposition of J.N. (hereinafter Exhibit A) at 15:1-15.
4. Prior to this, there had recently been a school shooting in Georgia. Deposition of Scott Smith (hereinafter Exhibit B) at 194:18-23.
5. A.N. testified that threats against neighboring school districts made her fearful of going to school, that she was scared because of the threats she had seen or been sent. Deposition of A.N. (hereinafter Exhibit C) at 17:2-6.
6. Exhibit D (hereinafter the "Snapchat") is a photo that A.N. took with words she typed. See Exhibit B, at 12:6-7.

7. A.N. admits that the words “Pray tm I’m about to shoot up the Jackson School” which she typed on the Snapchat, when viewed objectively by their content, convey a threat and that she understood that it could cause others to be afraid. Exhibit C, at 15:13-15, 27:25-28:8.
8. A.N. created the Snapchat on September 12, 2024, and sent it to S.C., a teenage boy she had never met, but was messaging with on Snapchat. Exhibit C, at 13:1-11, 15:19-20
9. She understood S.C. to be a student at a neighboring school district. Exhibit B, at 13:6-7.
10. A.N. admits that she understood when she created the Snapchat and sent it to S.C., that he might share it or show it to others, and that it would be outside of her control. Exhibit B, at 21:9-15.
11. The Snapchat spread quickly on social media and School District administrators learned about the Snapchat within an hour of A.N. creating and sending it to S.C. Exhibit B, at 13:10-16, 52:9-18; see Exhibit D; Second Amended Complaint at ¶ 51.
12. School District administrators cancelled all classes on Friday, September 13, 2024, in response to the threat posed by A.N.’s Snapchat. All schools in the Jackson R-II School District were closed on that date. This district-wide shutdown impacted approximately 5,803 students, who were forced to miss a day of school. Exhibit B, at 40:8-11; Exhibit A, at 65:21-66:5 and 69:2-14; see Scott Smith’s Interrogatory Responses (hereinafter Exhibit E), at No. 14.
13. A home Varsity Football game against Edwardsville, Illinois on September 13, 2024, was cancelled and then rescheduled for September 14, 2024, at Edwardsville resulting in expenses for the team and others to travel approximately 3 hours away to Edwardsville, leading to loss of revenue for the School District and student clubs, and causing the

marching band to miss an opportunity to march and perform during a game. Exhibit E, at No. 14.

14. The School District did not participate in the September 14, 2024, Boys' Swim meet. Exhibit E, at No. 14.

15. A home game for JV Boys' Soccer against SLUH on September 14, 2024, was cancelled. Exhibit E, at No. 14.

16. Junior High practices were cancelled for football, cheerleading, and cross country. Exhibit E, at No. 14.

17. A Jackson Area Youth Football tournament at Jackson High School was cancelled. Exhibit E, at No. 14.

18. School District administration and local law enforcement worked through the weekend of September 13th to determine the validity of the threat and the creator of the Snapchat image. Exhibit B, at 24:14-25:7; 182:13-20.

19. During the 2024–2025 school year, the School District's Board-approved Student Handbook contained an Off-Campus Behavior Policy, stating that "the District may use its authority to address behavior that occurs off campus if it interferes with the operation of the school or endangers the safety of students or staff." Second Amended Complaint at ¶ 62.

20. During the 2024–2025 school year, the School District's Board-approved Student Handbook contained a False Alarms or Reports policy, defining a violation as "intentionally tampering with alarm equipment for the purpose of setting off an alarm, [or] making false reports for the purpose of scaring or disrupting the school environment." Second Amended Complaint, at ¶ 67.

21. The Student Handbook lists the penalties for a first offense under the False Alarms or Reports policy, including “Restitution. Principal/Student conference, detention, in-school suspension, or 1-180 days out-of-school suspension, or expulsion.” Second Amended Complaint, at ¶ 68.
22. During the 2024–2025 school year, the School District’s Board-approved Student Handbook contained a Disrespectful or Disruptive Conduct or Speech policy, defining a violation as “conduct that interferes with an orderly education process such as disobedience or defiance to an adult’s direction, use of vulgar or offensive language or graphics, any rude language or gesture directed toward another person.” Second Amended Complaint, at ¶ 64.
23. The Student Handbook lists the penalties for a first offense under the Disruptive Conduct or Speech policy, including “Principal/Student conference, detention, in-school suspension, or 1-10 days out-of-school suspension.” Second Amended Complaint, at ¶ 65.
24. The Student Handbook was in effect in September 2024, and A.N. and J.N. electronically signed a form acknowledging their receipt of the Student Handbook. Exhibit A, at 79:8-18.
25. On September 16, 2024, J.N. and A.N. attended a meeting with Superintendent Smith, Principal Austin and other individuals, including two attorneys representing A.N., at which A.N. was given notice of the allegations against her and an opportunity to tell her side of the story. Second Amended Complaint, at ¶ 70-72; Exhibit B, at 39:7-22, 10:19-11:19.
26. Also at the September 16, 2024, meeting, A.N. was told of the policies that may have been violated by her conduct—the Disruptive Conduct or Speech policy and the False Alarms or Reports policy. Exhibit B, at 11:25-12:16.

27. Following the September 16, 2024, meeting, Principal Austin suspended A.N. for ten days for the violation of the False Alarms or Reports policy and/or the Disruptive Conduct or Speech policy. See Second Amended Complaint, at ¶ 75-76. See also 10-day Suspension Letter (hereinafter Exhibit F).
28. Exhibit F is a true and correct copy of the 10-day Suspension Letter sent to A.N. and J.N. on September 16, 2024. Exhibit A, at 70:21-71:1.
29. On September 24, 2024, Superintendent Smith extended A.N.'s suspension to 180 school days in a written notice, citing A.N.'s violation of the False Alarms or Reports policy and/or the Disruptive Conduct or Speech policy and advising her of her right to appeal the decision. Second Amended Complaint, at ¶ 84. See also Long-term Suspension Letter (hereinafter Exhibit G).
30. Exhibit G is a true and correct copy of the Long-term Suspension Letter sent to A.N. and J.N. on September 24, 2024. Exhibit A, at 74:22-76:1.
31. The Long-term Suspension Letter advised A.N. that her suspension would not be stayed pending appeal because Superintendent Smith determined A.N. posed a continuing threat of danger or threat of disruption if she returned earlier. Second Amended Complaint, at ¶ 85. See also Exhibit G.
32. A.N. appealed the 180-day suspension to the School Board. Second Amended Complaint, at ¶ 92.
33. The Jackson School Board held the appeal hearing on November 12, 2024, at which A.N. and J.N.'s attorney was allowed to present evidence, call witnesses, and cross-examine the School District's witnesses (Superintendent Smith and Principal Austin). Second Amended

Complaint, at ¶ 93. See also Exhibit A, at 78:4-79:7. See also School Board Decision (hereinafter Exhibit H).

34. Exhibit H is a true and correct copy of the School Board Decision provided to A.N. and J.N. after the appeal hearing. Exhibit A, at 80:22-81:4.
35. The School Board upheld the 180-day suspension, finding that the facts determined from the testimony and exhibits “constitute conduct by [A.N.] which is prejudicial to good order and discipline in the school and which tends to impair the morale and good conduct of pupils... on September 12, 2024, [A.N.] shared a Snapchat post that threatened to shoot up the school on Friday, September 13, 2024, in violation of Board Policies S-170-P and S-170-S, that post circulated among the students of the District, and required the District to close school on Friday, September 13, 2024, which created a material and substantial disruption to the educational environment.” See Exhibit H.
36. The evidence before the School Board included: (a) the content of the Snapchat A.N. sent (which consisted of a photograph of her ceiling and the text “Pray tm I’m about to shoot up the Jackson School”), (b) the events that followed, including the community panic, involvement of police, and the cancelling of school and district events out of concerns for safety, (c) A.N.’s admission that she created and sent the message, though she explained her benign intent, (d) the conclusion of law enforcement that A.N. had no criminal capability, and (e) the school administrators’ testimony as to the disruption A.N. caused and how it fell under school rules. See Exhibit H.
37. A.N.’s suspension ended in September 2025, and she is now able to return to Jackson School District if she chooses to do so. Exhibit A, at 48:12-15.

Respectfully submitted,

EDCOUNSEL, LLC

By: /s/ J. Drew Marriott

J. Drew Marriott, #63059

dmarriott@edcounsel.law

Ashlyn Hancock #74680

Ahancock@edcounsel.law

2833B E. Battlefield St., Ste. 100

Springfield, Missouri 65804

(417) 755-7190

(855) 876-4740 (facsimile)

Attorneys for Defendants.

CERTIFICATE OF SERVICE

The undersigned certifies that on January 26, 2026, notice and access to the foregoing was provided through the electronic filing system to all counsel of record.

J. Drew Marriott