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' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and Local Rule 4.01, Defendants Jackson R-II School District, Scott Smith, and Bryan Austin, by and through counsel, hereby moves this Court for summary judgment on Plaintiff A.N.'s Second Amended Complaint for Civil Rights Violations ("Plaintiff's Complaint"). Defendants also file their Memorandum in Support and Uncontroverted Statement of Material facts concurrent with this Motion, and incorporate both by reference, as fully set forth herein.

Plaintiff has filed a lawsuit against Defendants Jackson R-II School District ("District"), Superintendent Scott Smith, and Principal Bryan Austin. This suit alleges violations of the First Amendment (Counts I, II, and IV), the Fourteenth Amendment (Counts II and III), Article I of § 8 of the Missouri Constitution (Count V), and Mo. Rev. Stat. § 167.171.2(4) (Count VII) related to the Plaintiff A.N.'s 180-day suspension from Jackson R-II Schools. Plaintiff's Complaint also requests judicial review of the Jackson R-II School Board's decision to uphold her suspension on appeal.

However, Plaintiff A.N.'s Snapchat post—"Pray tm I'm about to shoot up the Jackson School"—was not protected speech under either the First Amendment or the Missouri Constitution. The post directly referenced a school shooting and resulted in a district-wide school closure, the cancellation of numerous extracurricular activities, and widespread fear among students, parents, and staff. Under the well-established standard from *Tinker v. Des Moines*, student speech that materially and substantially disrupts the school environment is not constitutionally protected. *Tinker v. Des Moines Indep. Cmty. Sch. Dist*., 393 U.S. 503, 89 S. Ct. 733, 21 L. Ed. 2d 731 (1969). The Eighth Circuit's decision in *D.J.M. v. Hannibal Public School District* further supports this position, holding that off-campus speech that creates a reasonable fear of violence and foreseeable disruption can be lawfully disciplined. *D.J.M. ex rel. D.M. v. Hannibal Pub. Sch. Dist. No. 60*, 647 F.3d 754 (8th Cir. 2011). The Supreme Court's decision in *Mahanoy Area School District v. B.L.* also confirms that schools retain significant regulatory interests in certain off-campus speech, particularly when it threatens school safety or order. *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 594 U.S. 180, 141 S. Ct. 2038, 210 L. Ed. 2d 403 (2021). Given the magnitude of the disruption caused by A.N.'s post, Defendants' disciplinary response was not only appropriate but constitutionally sound.

Even if the Court were to find ambiguity in the application of First Amendment protections to A.N.'s conduct, Defendants Smith and Austin are entitled to qualified immunity. The legal landscape surrounding off-campus student speech, especially in the context of threats or perceived threats, remains unsettled. Courts have recognized that school officials are not liable for making reasonable decisions in legally "gray areas," and qualified immunity protects all but those who knowingly violate clearly established rights. *Scott v. Baldwin*, 720 F.3d 1034, 1036 (8th Cir. 2013).

Here, Defendants Smith and Austin acted in good faith and within the bounds of their professional judgment, responding to a credible threat with the goal of ensuring student safety.

A.N. received all the protections required by the Fourteenth Amendment. She was promptly notified of the allegations, met with the Superintendent alongside her mother and legal counsel, and was given an opportunity to explain her actions. Following this, she received written notice of her suspension and the policies she was alleged to have violated. She then exercised her right to appeal, resulting in a full evidentiary hearing before the School Board, where she was again represented by counsel and allowed to present evidence and cross-examine witnesses. These procedures exceed the minimal due process requirements articulated in *Goss v. Lopez* and are consistent with the balancing test set forth in *Mathews v. Eldridge*. 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976). Further, there is no constitutional requirement for a presumption of innocence or a criminal-level burden of proof in school disciplinary proceedings. Even if there were any procedural shortcomings, qualified immunity shields the individual defendants from liability.

Plaintiff's vagueness challenge to the School District's Off-Campus Behavior Policy also fails. The policy clearly states that off-campus conduct may be subject to discipline if it interferes with school operations or endangers student or staff safety. These terms are consistent with the *Tinker* standard and have been upheld in similar contexts, such as in *Grayned v. City of Rockford*. 408 U.S. 104, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972). A.N.'s own testimony acknowledged that she understood the potential for her Snapchat to cause fear, demonstrating that the policy provides adequate notice. Moreover, the policy was applied in a non-arbitrary manner, triggered by an extraordinary disruption that any reasonable administrator would have addressed.

The *Monell* claim against the School District is also without merit. Because there was no underlying constitutional violation, the School District cannot be held liable under 42 U.S.C. §

1983. A.N. has not identified any unconstitutional policy or widespread custom; rather, the discipline was imposed pursuant to existing, facially valid policies. Even if a "zero tolerance" approach to school shooting threats existed, such a stance is not inherently unconstitutional and reflects a reasonable response to serious safety concerns.

Plaintiff's state constitutional claim under Article I, § 8 of the Missouri Constitution is coextensive with her federal free speech claim and fails for the same reasons. Missouri courts interpret the state's free speech protections in line with the First Amendment and explicitly hold individuals responsible for abuses of that right. A.N.'s post, which caused panic and disruption, constitutes such an abuse and is not protected.

Finally, the two state statutory claims also fail. The judicial review claim under RSMo § 167.161 is moot, as A.N.'s suspension has already concluded and she has not demonstrated any ongoing harm that would warrant relief. Even if the Court were to consider the merits, the School Board's decision was supported by substantial evidence and was neither arbitrary nor capricious. The claim under RSMo § 167.171.2(4), alleging that the School District failed to stay the suspension during the appeal, is also unfounded. The statute allows the superintendent to continue a suspension if the student poses a continuing danger or threat of disruption, and Superintendent Smith made that judgment based on the recent district-wide panic and the potential for further unrest. His decision was reasonable, within the scope of his statutory authority, and supported by the facts. In sum, the undisputed facts and applicable legal standards entitle the Defendants to judgment as a matter of law on all seven counts.

WHEREFORE, Defendants Jackson R-II School District, Scott Smith, and Bryan Austin respectfully request that this Court grant their Motion for Summary Judgment on all counts of

Plaintiff's Second Amended Complaint, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

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By: */s/ J. Drew Marriott*

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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