

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' RESPONSE AND SUGGESTIONS IN OPPOSITION TO PLAINTIFF'S
PARTIAL MOTION FOR SUMMARY JUDGMENT**

COME NOW, Defendants Jackson R-II School District, Scott Smith, and Bryan Austin, by and through counsel, pursuant to Fed. R. Civ. P. 56 and Local Rule 4.01, and for their Response and Suggestions in Opposition to Plaintiff's Motion for Partial Summary Judgment on Count III of Plaintiff's Second Amended Complaint state as follows:

I. Introduction

Plaintiff A.N.'s Snapchat threat to 'shoot up the Jackson School' triggered a district-wide shutdown, closing all schools in the Jackson R-II School District ("School District") for a day, cancelling activities, practices, athletic competitions, and requiring the School District and law enforcement to investigate. As a consequence, A.N. was suspended for 180 school days.

Plaintiff A.N. filed a lawsuit against the School District, Superintendent Scott Smith, and Principal Bryan Austin alleging 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). Now, Plaintiff A.N. is asking that this Court find that the School District violated her Fourteenth Amendment right to procedural due process

by suspending her without providing the constitutionally required safeguards. She contends that the School District failed to give her clear notice of the charges and potential penalties, did not disclose the evidence or witnesses against her, denied her adequate time to prepare a defense, allowed a biased decision-maker to oversee the process, and refused her the opportunity to cross-examine adverse witnesses.

Plaintiff's motion should be denied. The record reflects genuine disputes of material fact concerning what notice Plaintiff received, what information was considered, the timing and substance of Plaintiff's opportunity to respond, and the role of the Superintendent in the disciplinary process—disputes that preclude summary judgment under Rule 56. Moreover, Plaintiff's motion rests on an incorrect legal premise that long-term school discipline automatically requires formal, trial-like procedures, a proposition unsupported by binding Supreme Court or Eighth Circuit precedent. A.N. received all the process the Fourteenth Amendment requires: 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; she then received written notice of her suspension and the policies at issue and exercised her right to appeal, resulting in a full evidentiary hearing before the School Board at which she was represented by counsel and permitted to present evidence and cross-examine witnesses. These procedures exceed the minimal requirements articulated in *Goss v. Lopez* and are consistent with the balancing framework set forth in *Mathews v. Eldridge*. 419 U.S. 565 (1975); 424 U.S. 319 (1976). And even if Plaintiff could identify any procedural shortcomings, the individual Defendants are entitled to qualified immunity because the procedural rights Plaintiff asserts were not clearly established at the time of the events at issue.

II. Summary Judgment Standard

Summary judgment is appropriate only where the moving party demonstrates that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). The burden initially rests with the moving party to identify those portions of the record that it believes demonstrate the absence of a genuine issue of material fact. *Id.* at 323.

A dispute of fact is “genuine” if the evidence is such that a reasonable factfinder could return a verdict for the nonmoving party, and a fact is “material” if it might affect the outcome of the action under the governing law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). In ruling on a motion for summary judgment, the Court must view the evidence in the light most favorable to the nonmoving party and draw all reasonable inferences in that party’s favor. *Tolan v. Cotton*, 572 U.S. 650, 657 (2014).

The Court may not weigh the evidence, make credibility determinations, or resolve disputed issues of fact. *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150–51 (2000). Where the record presents competing versions of events supported by admissible evidence, those disputes must be resolved by the trier of fact, not by the Court on summary judgment. *Anderson*, 477 U.S. at 255. These principles apply with particular force where the claim at issue requires an assessment of reasonableness under the circumstances. Claims governed by multi-factor or balancing tests often depend on factual context and the weighing of competing considerations, making them ill-suited for resolution as a matter of law where the underlying facts are disputed. See, e.g., *Walters v. Wolf*, 660 F.3d 307, 312 (8th Cir. 2011) (recognizing that due process analysis requires careful attention to the facts of each case).

If reasonable minds could differ as to the significance of the evidence or the conclusions to be drawn from it, summary judgment must be denied. *Anderson*, 477 U.S. at 250. The

nonmoving party need not prove its case at this stage; it need only demonstrate the existence of a genuine dispute requiring resolution at trial. *Celotex*, 477 U.S. at 324.

III. Argument

Plaintiff's motion for partial summary judgment should be denied for three reasons. First, Plaintiff has not carried her burden under Rule 56 to show the absence of genuine disputes of material fact. The record reflects material disagreements concerning the nature and timing of notice provided, the information considered by school officials, the role of the decisionmaker, and the procedures afforded throughout the disciplinary process—disputes that must be resolved by a factfinder rather than on summary judgment. Second, Plaintiff's motion rests on an incorrect legal premise: that the Constitution requires schools to provide formal, trial-like procedures whenever a student faces long-term discipline. Binding Supreme Court and Eighth Circuit precedent does not impose the heightened procedural requirements Plaintiff advocates, and the flexible due-process framework governing student discipline does not support judgment as a matter of law on this record. Third, even if Plaintiff could establish a constitutional violation, the individual Defendants are entitled to qualified immunity because the procedural rights Plaintiff asserts were not clearly established at the time of the events at issue. For these reasons, and as set forth below, summary judgment should be denied because genuine issues of material fact remain, Plaintiff's proposed due-process standard is unsupported by controlling authority, and the individual Defendants are entitled to qualified immunity.

A. Plaintiff Has Not Established the Absence of Genuine Issues of Material Fact

Plaintiff's theory of a procedural due process violation relies on disputed facts. In particular, the parties disagree as to what notice Plaintiff received regarding the allegations and potential consequences, what evidence school officials considered in making disciplinary

decisions, and whether the Superintendent acted as a neutral decisionmaker. See *Goss v. Lopez*, 419 U.S. 565 (1975) (notice element of Plaintiff’s due process claim). Each of these issues turns on contested facts reflected in witness testimony and contemporaneous records. Because the sufficiency of notice, the role of particular evidence, and the neutrality of a decisionmaker are fact-intensive inquiries governed by flexible due-process standards, these disputes cannot be resolved as a matter of law and preclude summary judgment in plaintiff’s favor.

1. The Parties Dispute What Notice Plaintiff Received.

Plaintiff’s motion depends on the assertion that she was not adequately informed of the nature of the accusations against her or the potential consequences. Under *Goss v. Lopez*, 419 U.S. 565 (1975), due process requires that a student receive notice of the charges and an opportunity to respond, but that notice “may be oral or written” and need not resemble a formal indictment. *Id.* at 581.

Plaintiff’s mother testified that at the September 16 meeting, school officials did not explain what rule or policy Plaintiff was alleged to have violated, and the family left without understanding what would happen next. (Defendants’ Statement of Additional Uncontroverted Material Facts, ¶1). By contrast, Scott Smith testified that Plaintiff and her parents were informed of the allegations and the relevant school policies during the disciplinary process. (Defendants’ Statement of Additional Uncontroverted Material Facts, ¶2). Whether Plaintiff was informed of the alleged misconduct and the relevant policies is a disputed factual question turning on witness testimony and contemporaneous records.

That dispute is material. Under *Goss*, the adequacy of notice is assessed in light of what the student was told and whether she was given a meaningful opportunity to respond. 419 U.S. at 581. Where, as here, the parties offer conflicting testimony as to what information was conveyed

to Plaintiff and her parents during the September 16 meeting, the Court may not resolve those credibility determinations on summary judgment. Viewing the evidence in the light most favorable to Defendants, a reasonable factfinder could conclude that Plaintiff received constitutionally sufficient notice of the allegations and applicable policies, satisfying the requirements of due process. Summary judgment is therefore inappropriate.

Further, even accepting Plaintiff's version of events for purposes of summary judgment, her claim still fails as a matter of law. *Goss* requires only that a student be given notice of the charges and an opportunity to present her side of the story; it does not require that school officials identify specific policy provisions with precision or predict the ultimate outcome of the disciplinary process at the initial meeting. 419 U.S. at 581. Plaintiff does not dispute that the September 16 meeting was held regarding concerns arising from a Snapchat post associated with her name or that she and her parents were given an opportunity to respond to those concerns. At most, Plaintiff contends that she did not fully understand which specific policies might ultimately be implicated or what consequences might follow. This uncertainty does not violate the Constitution under *Goss*, which establishes only minimal procedural requirements. Where a student is informed of the alleged misconduct and afforded an opportunity to respond before discipline is imposed, due process is satisfied. Accordingly, even under Plaintiff's account of the facts, the undisputed record does not establish a deprivation of procedural due process, and summary judgment remains inappropriate.

2. Procedural Due Process Does Not Require Full Evidentiary Disclosure.

Plaintiff contends that Defendants violated due process by relying on "no evidence" or undisclosed adverse witnesses and evidence when extending discipline beyond the initial suspension. Defendants dispute both the characterization of the information at issue as "adverse

evidence” and the extent to which any such information influenced the ultimate decision. More fundamentally, Plaintiff’s argument rests on a mistaken premise as to the procedural requirements imposed by the Due Process Clause in the school-discipline context.

Procedural due process does not require school officials to disclose every piece of information considered during an investigation, nor does it obligate administrators to conduct disciplinary proceedings as adversarial hearings with full evidentiary disclosure. *Goss* expressly recognizes that school discipline must retain “flexibility and informality” and rejects the notion that students are entitled to the formal procedural protections associated with criminal or civil trials. 419 U.S. at 583. Consistent with that principle, courts have repeatedly held that administrators may continue to investigate, consult with other officials, and gather additional information after an initial meeting without violating due process, so long as the student is given notice of the alleged misconduct and an opportunity to respond before discipline is imposed.

Here, Plaintiff does not identify any authority holding that due process is violated merely because school officials considered additional information after an initial meeting or did not disclose the identities of every individual consulted during the investigation. Instead, the constitutional inquiry turns on whether the information relied upon materially altered the basis for discipline and whether Plaintiff was deprived of a meaningful opportunity to respond to the core allegations against her. Those questions are inherently factual. The parties dispute what information was considered, how it was weighed, and whether it changed the nature of the allegations Plaintiff was asked to address. Resolving those disputes would require the Court to weigh testimony, assess credibility, and draw inferences in Plaintiff’s favor—tasks that are inappropriate at the summary-judgment stage.

Viewing the record in the light most favorable to Defendants, a reasonable factfinder could conclude that Defendants permissibly gathered additional information as part of an ongoing investigation and that Plaintiff was not deprived of a meaningful opportunity to respond to the alleged misconduct. At minimum, the extent to which any allegedly undisclosed information influenced the disciplinary decision presents a genuine dispute of material fact. Summary judgment is therefore unwarranted on Plaintiff's due-process claim.

3. The Parties Dispute Whether Plaintiff Received Adequate Opportunity to Respond.

Plaintiff's contention that Defendants denied A.N. a constitutionally adequate opportunity to respond rests on a selective and disputed characterization of the timing and substance of the disciplinary process. When the record is viewed in the light most favorable to Defendants, it shows that A.N. and her parents (and her attorneys) were afforded meaningful opportunities to explain A.N.'s conduct before any disciplinary decisions were made. At a minimum, the parties' competing accounts of what occurred and whether the process was reasonable under the circumstances present genuine disputes of material fact that foreclose summary judgment.

Plaintiff emphasizes that the initial meeting occurred less than twenty-four hours after the Superintendent contacted A.N.'s parents. But due process does not impose a fixed temporal minimum. The Constitution requires a meaningful opportunity to be heard, not a particular amount of preparation time. Whether the timing here was reasonable depends on disputed facts concerning what A.N. and her parents were told, the nature of the meeting, and the opportunity A.N. had to present her explanation. See *Goss v. Lopez*, 419 U.S. 565, 581–82 (1975).

4. Whether Scott Smith Was a Neutral Decisionmaker Is a Fact-Intensive Inquiry.

Plaintiff next argues that Scott Smith's involvement in the investigation renders him constitutionally biased as a matter of law. That argument misstates settled due-process doctrine. The Supreme Court has long rejected the proposition that due process requires a strict separation between investigative and adjudicative functions in administrative decision-making. *Withrow v. Larkin*, 421 U.S. 35, 47–55 (1975). To the contrary, due process is violated only where there is evidence of actual bias, a personal stake in the outcome, or a constitutionally intolerable risk of prejudgment. *Id.* The mere fact that an administrator participates in gathering information and later participates in a disciplinary decision “does not, without more, constitute a due process violation.” *Id.* at 58.

Under *Withrow*, courts presume that administrative decisionmakers are capable of judging a matter fairly based on the evidence before them, even where they have been involved in earlier stages of the process. *Id.* at 47. That presumption may be overcome only by a showing of actual bias or circumstances demonstrating that the decisionmaker had irrevocably prejudged the facts before the student was afforded an opportunity to respond. Plaintiff makes no such showing here. She points to no statements, actions, or contemporaneous evidence suggesting that Scott Smith had predetermined the outcome of the disciplinary process or was incapable of considering Plaintiff's explanation with an open mind. Whether the Superintendent approached the matter with impartiality, weighed the information presented, and exercised independent judgment are fact-intensive questions that turn on credibility and intent. Viewing the evidence in the light most favorable to Defendants, a reasonable factfinder could conclude that Scott Smith acted without

bias and in accordance with due-process requirements. Summary judgment is therefore unwarranted on Plaintiff's bias theory.

B. Plaintiff's Legal Standard for Student Due Process is Incorrect

Plaintiff's motion treats *Goss* not as a limiting precedent, but as an invitation to constitutionalize formal trial-type procedures in public-school discipline. That approach is directly contrary to Supreme Court guidance. *Goss* was expressly concerned with defining the minimum procedural protections required in the school context, not with importing the full panoply of judicial safeguards into routine disciplinary decisions.

In *Goss*, the Court emphasized that school disciplinary proceedings should not be transformed into adversarial trials and expressly declined to require written charges, advance notice of evidence, cross-examination of witnesses, representation by counsel, or formal hearings—even where significant educational interests were at stake. 419 U.S. at 583. Instead, the Court held that due process is satisfied where the student is given oral or written notice of the alleged misconduct and an opportunity to present her version of events, stressing that “[t]here need be no delay between the time ‘notice’ is given and the time of the hearing.” *Id.* at 582. The Court repeatedly underscored that school discipline must remain “flexible and informal” and sensitive to the practical realities facing school administrators. *Id.* at 578–79.

Nothing in *Goss* supports Plaintiff's assertion that the length of a suspension, standing alone, automatically triggers heightened procedural requirements such as written charges, advance disclosure of witnesses, cross-examination, or the involvement of an adjudicator entirely removed from the investigative process. To the contrary, the Supreme Court warned against precisely that kind of rigid proceduralization, recognizing that “[r]equiring effective notice and informal hearing permitting the student to give his version of the events will provide a meaningful hedge against

erroneous action” without unduly burdening schools. *Id.* at 583. Plaintiff’s effort to read *Goss* as mandating formal, trial-like safeguards where administrators impose serious discipline would invert the decision’s central holding and expand due-process protections far beyond what the Constitution requires.

Plaintiff identifies no Supreme Court or Eighth Circuit authority holding that long-term suspensions categorically require the formal procedures she demands. Whether the process provided here satisfied *Goss* turns on fact-specific questions—what Plaintiff was told, what opportunity she had to respond, and how the decision was made—not on an abstract entitlement to adversarial protections that *Goss* expressly disavows. Because Plaintiff’s argument rests on a legally erroneous interpretation of *Goss*, it cannot support summary judgment.

Instead, Plaintiff relies heavily on nonbinding Ninth Circuit authority and cases arising in the higher-education context to argue for expanded procedural protections. Those authorities are neither controlling nor analogous. The Ninth Circuit’s approach to student discipline is not binding on this Court, and its higher-education cases arise in materially different institutional settings, involving adult students, different regulatory frameworks, and disciplinary systems that often resemble formal adjudication far more closely than K-12 school discipline. Importing those standards into the public-school context would conflict with Supreme Court and Eighth Circuit precedent emphasizing flexibility, informality, and deference to school administrators.

Under *Mathews v. Eldridge*, courts assess the adequacy of procedural protections by balancing (1) the private interest affected by the official action, (2) the risk of an erroneous deprivation under the procedures used and the probable value of additional safeguards, and (3) the government’s interest, including the administrative and fiscal burdens that additional procedures would entail. 424 U.S. 319, 335 (1976). Applied in the school-discipline context, this balancing

framework confirms that the procedures afforded here satisfied constitutional requirements. At summary judgment, where the *Mathews* inquiry turns on disputed facts concerning notice, timing, evidence, and decisionmaker conduct, the balancing analysis cannot be resolved as a matter of law in Plaintiff's favor.

With respect to the first factor, students unquestionably have a significant interest in continued access to public education. But that interest is not absolute and must be weighed against the school's responsibility to protect other students and staff and to maintain an orderly learning environment. See *New Jersey v. T.L.O.*, 469 U.S. 325, 339–40 (1985) (recognizing the “substantial interest of teachers and administrators in maintaining discipline in the classroom and on school grounds”). Schools must be able to respond promptly and decisively to perceived threats to safety without being encumbered by rigid procedural mandates ill-suited to the educational setting.

The second *Mathews* factor—the risk of erroneous deprivation—also favors Defendants. Plaintiff was afforded multiple opportunities to be heard, including notice of the concerns prompting the investigation and an opportunity to present her version of events before discipline was imposed. (Defendants' Statement of Additional Uncontroverted Material Facts, ¶2). She also had access to post-disciplinary review mechanisms, further reducing the risk that any erroneous decision would go uncorrected. (See Plaintiff's Statement of Uncontroverted Material Facts, ¶90). Plaintiff does not identify how the additional procedures she proposes—such as advance disclosure of all evidence, formal witness examination, or trial-like hearings—would meaningfully reduce the risk of error in this context. *Goss* makes clear that informal notice and an opportunity to respond provide a “meaningful hedge against erroneous action,” 419 U.S. at 583, and Plaintiff offers no basis to conclude that the Constitution requires more.

The third *Mathews* factor weighs heavily against Plaintiff's position. The government's interest in maintaining school safety, order, and administrative flexibility is substantial. Imposing the procedural requirements Plaintiff demands would significantly burden school administrators, delay disciplinary responses, and impair schools' ability to address potential safety concerns in real time. The Supreme Court has repeatedly cautioned against importing judicial formalities into school discipline precisely because of these institutional constraints. See *Goss*, 419 U.S. at 578–79. Requiring adversarial procedures whenever long-term discipline is contemplated would undermine schools' capacity to function effectively and safely.

Balancing these considerations, the *Mathews* factors confirm that the procedures afforded here were constitutionally adequate. Plaintiff's interest in continued education, while important, does not outweigh the modest risk of erroneous deprivation under the existing procedures or the school's substantial interest in prompt and flexible disciplinary action. The *Mathews* balance therefore favors Defendants, and Plaintiff is not entitled to summary judgment.

C. The Individual Defendants Are Entitled to Qualified Immunity

Even if Plaintiff could establish a constitutional violation, the individual Defendants are entitled to qualified immunity unless the right at issue was “clearly established” at the time of the challenged conduct. *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). A right is clearly established only where existing precedent has placed the constitutional question “beyond debate,” such that every reasonable official would understand that what he is doing violates that right. *Id.* Qualified immunity thus protects officials from liability where the law is unsettled, evolving, or subject to reasonable disagreement.

Plaintiff cannot meet that demanding standard here. She identifies no Supreme Court or Eighth Circuit decision clearly establishing that K-12 students facing long-term suspension are

constitutionally entitled to the specific procedural safeguards she demands, including advance disclosure of all evidence, cross-examination of witnesses, or decision-making by an administrator wholly uninvolved in the investigation. To the contrary, controlling precedent emphasizes that due process in the school-discipline context is flexible and informal and expressly cautions against imposing trial-type procedures. See *Goss v. Lopez*, 419 U.S. 565, 578–83 (1975). Where the Supreme Court has declined to mandate such procedures, school officials cannot be said to have violated clearly established law by failing to provide them.

At a minimum, reasonable school officials could have believed that their conduct complied with constitutional requirements. The record reflects that Defendants provided notice of the alleged misconduct and afforded Plaintiff opportunities to respond, consistent with the core procedural protections recognized in *Goss*. Even if Plaintiff now contends that additional safeguards should have been provided, qualified immunity does not turn on hindsight or on whether a court might later conclude that a different approach would have been preferable. It protects “all but the plainly incompetent or those who knowingly violate the law.” *Pearson*, 555 U.S. at 231 (citation omitted). Because the procedural rights Plaintiff seeks were not clearly established at the time of the events in question, the individual Defendants are entitled to qualified immunity as a matter of law. Qualified immunity therefore provides an independent basis for denying summary judgment on Plaintiff’s claims against the individual Defendants.

IV. Conclusion

Plaintiff’s motion for partial summary judgment should be denied for the same reasons set forth at the outset of Defendants’ response. First, Plaintiff has not satisfied her Rule 56 burden to show the absence of genuine disputes of material fact; the record reflects material disagreements regarding notice, timing, the information considered by school officials, the decision-making

process, and the procedures afforded—issues that must be resolved by a factfinder. Second, Plaintiff’s request for judgment as a matter of law rests on an incorrect legal premise that the Constitution requires formal, trial-like procedures whenever a student faces long-term discipline, a proposition unsupported by binding Supreme Court or Eighth Circuit precedent and inconsistent with the flexible due-process framework governing school discipline. Third, even if Plaintiff could establish a constitutional violation, the individual Defendants are entitled to qualified immunity because the procedural rights Plaintiff asserts were not clearly established at the time of the events at issue. For all of these reasons, Plaintiff’s motion for partial summary judgment should be denied.

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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CERTIFICATE OF SERVICE

The undersigned certifies that on March 9, 2026, notice and access to the foregoing was provided through the electronic filing system to all counsel of record.

Ashlyn V. Hancock