

Petition

Mardis, et al. v Hannibal Public School District and Janes

9. On or about November 3, 2006, defendant Jill Janes extended the out-of-school suspension for the remainder of the 2006-2007 school year (126 days) for allegedly making threatening comments that were disruptive to the school environment.

10. Plaintiffs timely appealed the long-term suspension.

11. On February 21, 2007, the school board convened in executive session to hear the appeal. Evidence was presented and the case was submitted to the school board for Hannibal Public School District #60.

12. On the evening of February 21, 2007, the president of the Board of Education for Hannibal Public School District #60 informed plaintiffs by their attorney that the Board had voted to sustain the suspension and that a written opinion would follow.

13. The written decision of the school board confirming the suspension was provided to the plaintiffs on March 1, 2007.

14. The decision of the Board of Education confirming the long-term suspension was erroneous for each of the following reasons:

a. The decision violated the First, Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Sections 8 and 10 of the Missouri Constitution of 1945 because the alleged threats which form the basis of the suspension were out of school, private, internet instant message communications which were not true threats and that disciplinary action violated the freedom of speech and due process provisions of the United States Constitution and the Missouri Constitution.

b. The provisions of the student handbook and the Board policy under which disciplinary action was imposed violate the First, Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Sections 8 and 10 of the Missouri Constitution of 1945 because the regulations are overly broad, vague, do not give reasonable notice of prescribed conduct and infringe upon protected free speech.

15. The suspension is unsupported by competent and substantial evidence upon the whole record.

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16. The decision is made upon unlawful procedure or without a fair trial in that the defendants failed and refused to consider constitutional objections enumerated above which were presented to the Board at the time of its hearing.

17. The decision was arbitrary, capricious and unreasonable.

18. The decision involved an abuse of discretion.

WHEREFORE, plaintiffs pray for a judicial review of the long-term suspension of DJM and for an order rescinding said suspension, for their attorney's fees and costs in this case and for such other relief as is just.



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