

J.S. v. Grand Island Public Schools

Caselaw No.

S-16-875

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Summary: J.S. received a fifteen-day suspension from the Grand Island Public School system in connection to a social media post she made anonymously which suggested that an event was to occur at school the following day. Specifically, her post read that "[t]omorrow gonna be hella fire [fire emoji] be there." A subsequent post made by someone other than J.S. recommended students "[d]on't show up at school tomorrow [gun emoji]." Grand Island Police were alerted, extra security was present at Barr Middle School, and a search of the campus was conducted. The school received over one hundred phone calls from concerned parents and recorded seventeen students checked out of school that day, as well as four the next day. Police interviewed students to identify the source of the posts, during which J.S. admitted to making the initial post. No evidence was uncovered connecting her to the second post.

After the suspension was ordered by Barr's principal, J.S. requested an administrative hearing to contest her removal. At this hearing, Barr's principal cited the post as the reason for her removal and stated that when confronted about making the post prior to suspension, J.S. offered no rationale or explanation. J.S., however, stated at the hearing that she had made the post in the context of a social media conversation about skipping school with peers and was encouraging them to attend school. J.S.'s suspension was upheld by the school system superintendent and a subsequent school board hearing did likewise.

The matter was then taken by J.S. to the District Court of Hall County. Upon initiation of the action, the school board filed a voluntary appearance and waived service of summons under § 79-289. Service of the petition by J.S. to the board was never accomplished. The District Court proceedings commenced and the court affirmed the suspension, stating that such a finding did not exceed the authority provided in Neb. Rev. Stat. §§ 79-264 and 79-267 and that it could be reasonably construed that J.S.'s social media post was open to interpretation but set in motion a series of events that caused a substantial disruption to the school environment. J.S. appealed the ruling of the District Court.

In its review, the Nebraska Supreme Court considered jurisdictional and service of process issues present in the case. It determined that, under § 79-289, only one of the two requirements to establish subject matter jurisdiction of the District Court were met. Specifically, J.S. did not serve the school board with a summons and a copy of the petition, but did file with the District Court in a timely manner. Since both actions are required, but were not met by J.S., the overall petition for review was not timely. Thus, the Supreme Court dismissed J.S.'s appeal for lack of jurisdiction.
