

IN THE JUVENILE COURT OF SAVANNAH COUNTY, STATE OF ALABAMA

In the Matter of:)
)
 A.J. a child, by and through their next friend, Sam Jackson,)
)
 Plaintiff,)
)
 v.)
)
 Harper City Board of Education and Ashley Wright,)
 Sam Hoffsteder, Dean Winchester, Lila Samson,)
 Lyle Whittaker, and Carol Newsome in their representative)
 capacities,)
)
 Defendants.)

CASE MATERIALS

STATEMENT OF THE CASE

This case concerns the discipline action that Harper City Schools took against one of its students, Andy Jackson. Andy Jackson was an outstanding student and star of the Camellia High School basketball team.

In March of 2023 another student, Stacy Simpson recorded Andy at their locker sneezing uncontrollably. Simpson then posted this video to Tiktok accusing Jackson of having COVID-19.

Hearing the rumor, and pursuant to the school system's COVID-19 policy, Coach Taylor Lackey forced Jackson to sit out a basketball game until they could produce proof they did not have COVID-19.

On the night of the basketball game, Jackson recorded a Tiktok. This Tiktok seemed to make veiled references to having to sit out the game and Jackson's feelings about that.

Simpson reported the Tiktok to the school's resource officer, Pat Ingle. Ingle was alarmed by the video and showed it to Principal Ashley Wright.

Ashley Wright called Jackson to the office and questioned them about the Tiktok in the presence of Ingle. After that meeting, Wright suspended Jackson and made a recommendation to the school board that Jackson be expelled for the rest of the school year.

Jackson went before a tribunal of three school system employees to evaluate the expulsion and make a recommendation to the board. The tribunal found that Jackson presented a threat to student safety and concurred in Wright's recommendation for expulsion. The school board expelled Jackson for the remainder of the school year.

Jackson has hired counsel and sued to have this decision overturned and expunged from his school record.

This case is expected to raise issues including the juxtapositions between criminal and civil law, issues concerning free speech, what constitutes "true" threats, the discretion that schools have in the maintenance and promotion of school safety, and the constitution of due process in informal settings like school tribunals, among other issues

WITNESSES

The following witnesses may be called by the parties:

For the Plaintiff:

Andy Jackson
Taylor Lackey
Leslie Newton

For the Defendants:

Stacy Simpson
Ashley Wright
Pat Ingle

All Witnesses may be male or female

EXHIBITS

- Exhibit 1- Harper City Schools' relevant Code of Conduct Sections
- Exhibit 2- Harper City Schools' COVID-19 policy
- Exhibit 3- Transcript of Andy Jackson's TikTok video
- Exhibit 4- Screenshot of Andy Jackson's TikTok video
- Exhibit 5- Screenshot of Stacy Simpson's Instagram post
- Exhibit 6- Doctor's Note from Dr. Ann Miller
- Exhibit 7- Letter from Superintendent Advising of Tribunal

STIPULATIONS

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. The signatures of the witnesses are authentic.
3. In arguing legal issues, the parties may rely upon the legal authorities provided below and the complaint provided with this case.
4. The TikTok transcript (Exhibit 3) is admissible without further foundation. No hearsay objection to that document will be entertained.
5. The screenshots of the Instagram and Tiktok are meant to be representative of what was posted without providing the accompanying video. It is to be assumed that Andy Jackson's TikTok shows them speaking and rapping as in the transcript, and that Stacy Simpson's Instagram shows a video of Andy Jackson sneezing uncontrollably at their locker. The screenshots may be introduced as evidence of the actual posting of each video.
6. The rap is a work of fiction for the purposes of this case, and bears no resemblance to any "real" rap song. As such, it may be interpreted as wanted by teams.
7. All school personnel are expected to be familiar with the policies of the school and the Code of Student Conduct.
8. As is the policy of many school boards, Harper City Schools does not record its tribunals. However, the assertions that the tribunal committee concurred with the expulsion recommendation is correct.
9. The standard of review for the Court is whether the actions of the school board in this case were unreasonable and/or arbitrary.
10. Juvenile courts do not have juries. Therefore, there will be no jury decision in this case. For the purposes of competition, teams will be considered "court personnel" and ordered to observe rounds as if a jury. This is to ensure that all teams are accounted for at all given times.
11. This case is entirely fictitious. It was inspired by conversations with The Judge Frank M. Johnson, Jr. Institute and their moot court program. Any resemblance to any case or other works is entirely coincidental.

LEGAL AUTHORITIES

The First Amendment Provides That

“Congress shall make no law...abridging the freedom of speech[.]”

Watt v. United States, 394 U.S. 705 (1969)

In this case, the petitioner was convicted under a federal statute that made it a criminal offense to knowingly and willfully threaten the President of the United States.

During the Vietnam War, Robert Watts made a political speech protesting the war and the draft. In this speech, he informed the crowd that if he were ever drafted and made to carry a weapon, the first person that he would aim their gun at would be the President. The crowd responded to their statement with laughter.

In reversing their conviction, the Supreme Court noted that true threats are not protected by the First Amendment and could be prosecuted. However, the Court also noted that Watts' statements were “political hyperbole” and not a true threat. As such, they were protected speech under the First Amendment.

In reaching this conclusion, the court noted that Watts had not been inducted into the Army and likely would not be inducted. Their comments were made in a political context at an anti-war speech, and their comments evoked laughter. Thus, they could not be construed as a true threat. The Court did not specify whether an objective or subjective standard would be used to determine if speech is constitutionally protected by the First Amendment, or if such speech constitutes a true threat that can be prosecuted.

Virginia v. Black, 538 U.S. 343 (2003)

It was a crime in Virginia to burn a cross with the intent to intimidate. The law also stated that the burning of a cross was enough proof on its face that a person intended to intimidate another. The Supreme Court struck down the statute.

The Court noted that burning a cross could constitute a threat if it were done with the intention of intimidating another. However, the Court also noted that, even if offensive, cross-burning could also be a form of constitutionally protected speech. An example of this would be a cross-burning to express a racist belief. The Supreme Court struck down the law as overbroad because it did not make this distinction.

Elonis v. U.S. - No. 13-983

Anthony Elonis was arrested on December 8, 2010 and charged with five counts of violating a federal anti-threat statute, 18 U.S.C. § 875(c). Specifically, he was charged with threatening their ex-wife, co-workers, a kindergarten class, the local police, and an FBI agent.

Elonis had posted statements on their Facebook page that appeared to threaten their ex-wife and other people in their life. Prior to the postings, their wife and family had left him and he had lost their job at an amusement park. Shortly after this chain of events, Elonis posted several statements on their Facebook page that were interpreted as threats.

At their trial, Elonis asked the court to dismiss the charges, stating that their Facebook comments were not true threats. He argued that he was an aspiring rap artist and that their comments were

merely a form of artistic expression and a therapeutic release to help him deal with the events in their life.

In an apparent attempt to underscore that their comments should not be taken seriously, he posted links to YouTube videos that he parodied, and noted that a popular rap artist often uses similar language in their lyrics. For several of their comments, he also posted a disclaimer stating: “This is not a threat.”

Despite the fact that their ex-wife, an FBI agent, and others viewing their comments might have perceived their statements as threats, Elonis argued that he could not be convicted of making a threat because he did not intend to threaten anyone with their postings. In other words, he claimed that he didn’t mean what he said in a literal sense. In legal terms, he said that he did not have a subjective intent to threaten anyone.

The trial court denied their motion to dismiss the case. The court held that the proper legal test for determining whether someone made a threat is an objective one: whether reasonable people hearing the comment would perceive it to be a threat. Elonis was convicted of four of the five counts. He was sentenced to 44 months imprisonment, and three years of supervised release.^[1] He appealed to the U.S. Court of Appeals for the Third Circuit, which affirmed their conviction. The U.S. Supreme Court, granted certiorari (agreed to hear the case). Oral arguments were heard on Monday, December 1, 2014. The Supreme Court in an 8-1 opinion reversed a trial court conviction of Elonis on the grounds that the prosecution needed to show that Elonis intended the posts to be threats, and therefore that there was a subjective intent to threaten. An objective reasonable person standard does not go far enough to separate innocent, accidental conduct from purposeful wrongful acts. The Court held that, in this case, an objective standard would risk punishing an innocent actor because the crucial element that makes this behavior criminal is the threat, not merely the posting.

Ala. Code § 12-15-115 (b)(2)

(b) A juvenile court also shall have original jurisdiction in proceedings concerning any child in either of the following instances:...

(2) Where it is alleged that the rights of a child are improperly denied or infringed in proceedings resulting in suspension, expulsion, or exclusion from a public school.

Alabama Case Law

“It is well established that school boards and officials have comprehensive authority within constitutional bounds to maintain good order and discipline in school. *Adams v. City of Dothan Board of Education*, 485 So.2d 757 (Ala Civ. App. 1986) .Additionally it is clear that our case law has recognized the inherent authority to expel students when necessary to maintain order and discipline in the schools. *Adams*, 482 So. 757. *Scoggins v. Henry County Bd. Of Educ.*, 549 So. 2d 99 (Ala. Civ. App. 1989)

Students have a right to avoid “unfair or mistaken exclusion from the educational process, with all its unfortunate consequences.” *Goss v. Lopez*, 419 U.S. 565, 574 (1975).

A local board of education denies or improperly infringes on a student's right to education when it unreasonably or arbitrarily disciplines a student. *C.L.S. by and through S.S.C. v. Hoover Bd. of Educ.*, 594 So. 2d 138, 139 (Ala. Civ. App. 1991).

“When the basic constitutional rights of students are at issue, [courts] cannot avoid considering these constitutional rights when they are infringed by board action. The authority vested in school boards and officials to maintain order and discipline in schools must be exercised within constitutional bounds.” *Dothan City Bd. of Educ. v. V.M.H.*, 660 So. 2d 1328, 1330 (Ala. Civ. App. 1995)

“While courts may give broad discretion to discipline decisions made by a local board of education, the deferential standard is trumped when school boards violate due process.” *Monroe Cnty. Bd. of Educ. v. K.B.*, 62 So. 3d 513, 516 (Ala. Civ. App. 2010).

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Defendants.)

**VERIFIED PETITION FOR JUDICIAL REVIEW OF DEFENDANTS’ SCHOOL
DISCIPLINARY DECISION**

I. INTRODUCTION

1. A.J., a child, by and through their next friend, Sam Jackson , brings this action against the Harper City Board of Education (“the Board) and Ashley Wright, Sam Hoffsteder, Dean Winchester, Lila Samson, Lyle Whittaker, and Carol Newsome, in their representative capacities as members of the Board, because A.J.’s rights were “improperly denied or infringed in proceedings resulting in suspension, expulsion, or exclusion from a public school.” Ala. Code § 12-15-115(b)(2).
2. In Harper City Schools (“HCS”), students who are accused of violating the HCS Student Code of Conduct (“Code of Conduct”) are presumed guilty.
3. Defendants, who are responsible for the administration of HCS, routinely fail to employ fundamentally fair procedures to determine whether a student has violated the Code of

Conduct prior to excluding the student from the classroom, as required by their own policy and the United States Constitution.

4. Petitioner A.J. was suspended and excluded from Camellia High School (“CHS”), a public school in HCS, for an alleged violation of the Code of Conduct that they did not commit.
5. Defendants failed to provide A.J. with a fundamentally fair disciplinary process and ultimately excluded A.J. without sufficient evidence to substantiate the allegations against him.
6. Defendants exceeded their authority, abused their discretion, and arbitrarily deprived A.J. of their right to a public education.
7. A.J. respectfully requests that this Court find that the Board’s disciplinary action improperly infringed or denied A.J.’s rights, reverse the Board’s decision, and correct A.J.’s disciplinary records to reflect that they were not in violation of the Code of Conduct.

II. JURISDICTION AND VENUE

8. To initiate judicial review of a school board’s disciplinary decision, a complaint or petition must be filed alleging “facts sufficient to establish the subject-matter jurisdiction and venue of the juvenile court.” Ala. R. Juv. P. 12(A). 10. This Court has subject matter jurisdiction over this action, under Ala. Code § 12-15- 115(b)(2), because the juvenile court “shall have original jurisdiction in proceedings . . . [w]here it is alleged that the rights of a child are improperly denied or infringed in proceedings resulting in suspension, expulsion, or exclusion from a public school.”

9. Alabama law defines a “child” as “an individual under the age of 19 years.” Ala. Code § 12-15-102(3).
10. “[T]he juvenile court is not limited to merely reviewing the Board’s hearing for procedural flaws; it must also determine whether the substance of the proceedings has resulted in infringement upon rights conferred upon the child by the state . . . The juvenile court exercises original jurisdiction over these issues and thus is not limited only to a review of constitutional issues arising from the Board’s action.” C.L.S. by and through S.S.C. v. Hoover Bd. of Educ., 594 So. 2d 138, 139 (Ala. Civ. App. 1991) (emphasis added).
11. Venue is proper, under Ala. Code § 12-15-302, because Savannah County is where Plaintiff resides, Defendants operate, and the underlying factual allegations occurred.

III. PARTIES

12. Plaintiff: A.J. is an eighteen-year-old youth, formerly enrolled in HCS. A.J.’s rights were infringed in proceedings resulting in their unlawful suspension and exclusion from HCS from March 8, 2023, through May 31, 2023, during their junior year of high school.
13. A.J., a child under Ala. Code § 12-15-102(3), is represented by and through their parent and next friend, Sam Jackson, a permanent resident of Savannah County, Alabama, who is of the age of majority.
14. Defendants: The Board is a local educational agency in Harper, Alabama, which provides the general administration and supervision of the public schools and educational interests for all schools in HCS, including Camellia High School.

IV. FACTUAL ALLEGATIONS

Background

15. A.J. was seventeen years old when they were arbitrarily and unlawfully suspended and excluded from CHS during their junior year of high school.
16. Prior to this incident, A.J.. had never received a disciplinary referral.
17. A.J.. was a strong student who performed well academically and was well-liked by their teachers and peers.
18. A.J. played basketball at CHS. Prior to their exclusion from CHS, they were on track to receive a college basketball scholarship.

The Suspension

19. On March 8, 2023, CHS Principal Ashley Wright questioned A.J.. in connection with a TikTok video A.J. had posted the night before.
20. While questioning A.J. Principal Wright implied that A.J. had made a threat to another student in the video.
21. . A.J. told Principal Wright that the video was only about basketball and no other student.
22. Principal Wright did not refer the matter to the Savannah County Police Department.
23. A.J. was charged with violating the Student Code of Conduct, which prohibits Harassment and Bullying.
24. A.J. was expelled from school for the remainder of the school year.
25. Prior to their suspension and exclusion from CHS, multiple colleges and universities had expressed interest in recruiting A.J.. to play college basketball on a scholarship.
26. As a result of their suspension and exclusion from CHS, A.J. was denied their opportunity to play basketball during their junior season and lost their opportunities to attend college on a scholarship.

27. A.J. still intends to pursue higher education in the future.
28. A suspension and exclusion on A.J.'s student records will continue to prohibit, or severely limit, subsequent opportunities for higher education and employment.
29. A.J. was devastated, embarrassed, and extremely distressed by their suspension and exclusion from CHS.

V. Legal Claims

30. Defendants improperly infringed and denied A.J.'s rights in a proceeding resulting in their suspension and exclusion from CHS, a public school.
31. Defendants improperly infringed and denied A.J.'s rights by (1) issuing an arbitrary and capricious decision that was unsupported by evidence, and (2) disciplining A.J. in violation of the requisites of constitutional due process.

Count 1: Arbitrary and Capricious Decision

32. Students have a right to avoid "unfair or mistaken exclusion from the educational process, with all its unfortunate consequences." Goss v. Lopez, 419 U.S. 565, 574 (1975).
33. A local board of education denies or improperly infringes on a student's right to education when it unreasonably or arbitrarily disciplines a student. C.L.S. by and through S.S.C. v. Hoover Bd. of Educ., 594 So. 2d 138, 139 (Ala. Civ. App. 1991).
34. An unreasonable or arbitrary disciplinary action occurs when a school board fails to satisfy its burden of proof and consequently excludes a student based on insufficient evidence to prove that the student violated a board rule or policy.

35. Defendants subjected A.J. to an unreasonable or arbitrary and capricious disciplinary action by suspending and excluding A.J. despite insufficient evidence to conclude that A.J. violated the Code of Conduct as alleged.
36. The Board failed to carry its burden to prove or establish the essential elements of A.J.'s alleged infraction.
37. Defendants lacked evidence to find that A.J. violated the Code of Conduct as alleged. Defendants' decision to discipline A.J. despite a lack of evidence to support the allegations against him was arbitrary, capricious, and an abuse of discretion.

Count 2: Violation of A.J.'s Right to Procedural Due Process

38. Public school students facing suspension or exclusion from school for disciplinary reasons have both a property and reputational liberty interest that qualify for protection under the Due Process Clause of the Fourteenth Amendment of the United States Constitution. Goss v. Lopez, 419 U.S. 565, 574 (1975).
39. A local board of education may not infringe on a student's right to a public education on grounds of misconduct absent "fundamentally fair procedures to determine whether some kind of misconduct has occurred." *Id.*
40. "[W]hen the basic constitutional rights of students are at issue, [courts] cannot avoid considering these constitutional rights when they are infringed by board action. The authority vested in school boards and officials to maintain order and discipline in schools must be exercised within constitutional bounds." Dothan City Bd. of Educ. v. V.M.H., 660 So. 2d 1328, 1330 (Ala. Civ. App. 1995).

41. While courts may give broad discretion to discipline decisions made by a local board of education, the deferential standard is trumped when school boards violate due process.
Monroe Cnty. Bd. of Educ. v. K.B., 62 So. 3d 513, 516 (Ala. Civ. App. 2010).
42. Defendants failed to implement fundamentally fair procedures to determine whether A.J. committed any alleged misconduct prior to infringing on their right to an education.
43. . Defendants failed to provide A.J.. with notice of the charges against them.
44. Defendants failed to provide A.J.. with an explanation of the evidence against them.
45. Defendants failed to provide A.J. with an opportunity to be heard.
46. Defendants refused to consider evidence presented by A.J.. in their defense.
47. Defendants reached a predetermined conclusion based on information obtained outside of A.J.'s hearing and not subject to review by A.J.
48. Defendants failed to independently consider the merits of A.J.'s case to determine whether they had violated the Code of Conduct as alleged.
49. Defendants deprived A.J. of the opportunity to confront and cross-examine adverse witnesses.
50. . Defendants failed to establish that A.J. violated the Code of Conduct prior to excluding him from CHS.
51. Defendants disciplined A.J. despite a lack of evidence substantiating the specific allegations against him.
52. Defendants' failure to adhere to the minimum procedures required by the Due Process Clause resulted in an abuse of discretion and an arbitrary deprivation of A.J.'s right to a public education.

VI. PRAYER FOR RELIEF

A.J. respectfully requests that the Court:

- i. Find that Defendants’ disciplinary decision improperly denied or infringed A.J.’s rights;
- ii. Reverse Defendants’ disciplinary decision against A.J.;
- iii. Correct A.J.’s academic records to reflect that A.J. did not violate the Code of Conduct; Au
- iv. Order Defendants to reform their disciplinary policies and practices and train HCS staff on the implementation of the reformed procedure.
- v. Award any other relief deemed just and proper.

Respectfully submitted, this the 3rd day of July, 2023.

Sam Simpson

Sworn to and subscribed before me, this the 3rd day of July, 2023

NOTARY PUBLIC
My Commission Expires

/s/ Penny Parcel

Penny Parcel (PAR927)
The Law Office of Penny Parcel
1441 Main Street
Harper, AL 36925

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Lyle Whittaker, and Carol Newsome in their representative)
capacities,)
)
Defendants.)

ANSWER

COME NOW Defendants, by and through undersigned counsel and answer Plaintiff's complaint as follows:

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. This paragraph does not require a response.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Denied.
13. Defendants are without knowledge to admit or deny.
14. Admitted.
15. Denied.
16. Admitted as to the fact A.J. had never received a disciplinary referral prior to suspension and expulsion.
17. Admitted.
18. Denied.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.

23. Admitted.
24. Denied.
25. Denied.
26. Denied
27. Defendants are without knowledge to admit or deny.
28. Denied.
29. Defendants are without knowledge to admit or deny.
30. Denied.
31. Denied.
32. Admitted.
33. Admitted.
34. Admitted.
35. Denied.
36. Denied.
37. Denied.
38. Admitted.
39. Admitted.
40. Admitted.
41. Admitted.
42. Denied.
43. Denied.
44. Denied.
45. Denied.
46. Denied.
47. Denied.
48. Denied.
49. Denied.
50. Denied.
51. Denied.
52. Denied.

Respectfully submitted, this the 3rd day of August, 2023.

/s/Jessie Candler
Jessie Candler (CAN987)
Attorney for Defendants

Of counsel:
Candler & Candler, P.C.
935 Magnolia Court
Montgomery, AL 36945

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 3rd day of August, 2023, served a copy of the foregoing on Plaintiff or on counsel for the Plaintiff either through electronic filing or by placing a copy of same in the U.S.P.S. with sufficient 1st class postage affixed thereto and addressed to:

Penny Parcel
The Law Office of Penny Parcel
1441 Main Street
Harper, AL 36925

/s/Jessie Candler

Jessie Candler

Statement of Andy Jackson

My name is Andy Jackson. I am a senior at Camellia High School in Harper, Alabama. At Camellia, I am a forward on the championship basketball team at Camellia. Not to brag or anything, I'm even being scouted by some colleges in the southeast. I'd love to go to the University of Kentucky or Duke.

I have the grades and extra-curriculars to get into Duke on my own, even without basketball. I'm a straight-A student. I have taken four AP (Advanced Placement) classes and scored 4s on three of the exams and a 5 on the last exam. I volunteer at the Greater Y of the Savannah Region as a mentor to fourth graders.

I love music and have been a DJ since I was in fifth grade. Mostly I just played tunes for friends' birthday parties and get togethers, but in my freshman year at Camellia, I started adding a rap component to my act. I guess I'm pretty good at rapping. After that, I started booking more gigs—I play at various teen clubs around the tri-state area. However, my favorite club to play is Rain, right here in little old Harper. My DJ and rap career also helps me connect well to the kids I mentor at the Y.

I was on Camellia's winning debate team for three years until I had to quit my junior year due to my basketball training schedule. I suppose that's where all this starts. My debate partner was Stacy Simpson. They are a senior like me.

Stacy got really ticked off when I had to quit. We had placed second at state my sophomore year, and Stacy really thought that as partners we could win the top spot by our senior year. So, when I quit, they were really, really mad. Stacy just did not understand how important basketball was to me and that I had scholarship opportunities on the line.

One day in March, I had a horrible allergy attack. I go to an allergist, and have since I was nine years old, because I'm allergic to dust, mold, pollens and a whole host of other things. I even take allergy shots once every two weeks. However, when Spring starts to arrive, my allergies are on a whole other level. Given what happened in 2020, with COVID-19, I get a lot more side-eye when this happens.

I didn't know it at the time, but while having that allergy attack, Stacy filmed me. I was by my locker and just started sneezing uncontrollably. They were apparently down the hall by their locker, and just filmed me with their phone. They then put the video on Instagram with the caption "Camellia Corona—star basketball player has COVID-19."

I got pulled into Coach Lackey's office and questioned after the video made its rounds at school. Coach Lackey was really upset and demanded to know if I had tested positive for COVID-19. See, the school has a strict COVID-19 policy for athletes. We can not play and must quarantine for two weeks if we test positive. Play offs were the next week, and Coach knew if COVID-19 ran through the team, we might have to forfeit games. Coach Lackey wanted proof from my doctor I had not tested positive for COVID-19. We had a game that night, and Coach Lackey said as a precaution, I could not play or attend.

My buddy Leslie called me after the game and told me scouts from both Louisville and Alabama were at the game. That made me really angry, because I could have missed a big chance over a stupid rumor. I mean, Louisville and Alabama are not my top choices for colleges, but if they're offering money to go, I would be crazy not to take that. I don't know why Leslie would tell me such a thing, knowing it would really upset me. I mean it's not like I could go back in time and convince coach to let me play.

Later on that night, trying to get my mind off things, I was fooling around on TikTok and I posted a parody of the rap song “Players Gonna Pay” by the artist The Mouth. I changed up the lyrics, kind of talking about my situation. In the caption of the TikTok, I put a bunch of skulls and a wink emoji superimposed on a basketball. I was mourning the fact I had missed playing in front of those scouts, and that’s all I meant by that.

Stacy later tells some folks I was threatening them for sure because I said in the song “Players know how to even the score.” I mean how self-involved do they have to be to think that I’m referencing them? Clearly I was talking about playing basketball and scoring baskets.

I got called into the principal’s office where the School Resource Officer, Lieutenant Pat Ingle was waiting for me with Principal Ashley Wright. They said that they had seen the TikTok and it was obvious I was threatening Stacy. I protested and told them that I was just letting off some steam at the situation, and wasn’t even really thinking about Stacy when I posted the TikTok.

Citing the school’s zero tolerance policy for bullying, Principal Wright expelled me for the remainder of the school year. It was a big mess. At first, I was just considered suspended while Principal Wright recommended my expulsion to the board. Same difference, though—I still couldn’t attend school or play basketball.

I had to attend a tribunal first, where there were like three people employed by the school system, and they were all staring me down. It was at the school system’s main office. Principal Wright got to get up and say whatever they wanted to say—going on and on about how I was a threat to student safety and that I had threatened Stacy. They did not even ask Stacy what they thought about it, as they were not allowed to attend. I tried to tell my side of the story, but the head tribunal guy kept cutting me off. He also said some pretty disparaging things about rap

artists. I got the distinct feeling he hated rap and he hated basketball. In the end, the tribunal voted to expel me from school. Then a few days later, the school board discussed my case as they have to affirm an expulsion by the tribunal. I was invited to speak if I wanted to, but it was clear the deck was already stacked against me, plus I could not get a ride to the meeting anyway, so I did not attend. I frankly, thought I might lose my cool if they were like that tribunal guy who would not even let me talk. The school board went along with Principal Wright and the tribunal and went ahead and expelled me.

I missed playing in the play-offs and all those scouts. I had to take courses online to finish up my junior year.

I think my rights were violated by the school. I have a first amendment right to free expression. Expelling me did incredible damage to my reputation and cost me valuable scholarship considerations. The blight on my record looks horrible to all the colleges I'm applying to. I think the school system should have to pay me for the damage it has done to my reputation and ruining my scholarship chances. They should also have to remove the expulsion from my record.

Further, I have a little brother and a little sister and they look up to me. Being expelled is a terrible example to them. My little sister used to dress up in a cheerleader outfit and cheer me on at my basketball games. She cried so hard when she found out I would not be playing anymore.

My parents do not have much money. Mom is a phlebotomist and Dad drives a truck. I know I can not go to college without a scholarship—my family simply can not afford it. No one is going to give a scholarship to some kid who has been labelled a troublemaker and a bully. Frankly, at this point I'm scared about even being accepted to college.

I also feel horribly guilty that Mom and Dad are having to spend money on a lawyer to try to get this off my record. I wish I had never made the stupid Tiktok. Even though I didn't mean anything at all by it, this has gotten so out of hand.

Missing school from March until the end of my junior year of high school was really tough. I did not get to go to junior prom. I missed socializing with my friends. I missed the camaraderie of the basketball team. It may sound funny, but I even missed quite a few of my teachers—especially Mr. Pierce in chemistry and Ms. Jernigan in calculus.

Even being allowed back into school this year has felt really weird. I feel like everyone knows I got expelled and everyone is judging me. It has made me really self-conscious. I'm afraid to speak up in class. I feel like all my teachers are just watching me, waiting for me to slip up. My friends all say I am not my old self. I feel anxious just walking through the doors of Camellia High School now. It's so sad it has come to this. I know it sounds really uncool, but I used to look forward to school. Now, I just get a feeling of dread the minute I pull in the parking lot.

Statement of Coach Taylor Lackey

My name is Taylor Lackey. I have been a basketball coach at Camellia High School for 3 years. I was formerly a principal at a high school in Georgia for 30 years. I got my undergraduate degree in education from Albany University in 1986, my master's in public policy also at Albany in 1988, and my Ph.D. in School Administration from Delphi University in 1990. I have taken many courses related to school administration and take regular continuing education classes to keep up with the times of teaching. I have taken several continuing education classes on diversity, equity, and inclusion and school bullying.

I love being a teacher, but it is even more rewarding to be a basketball coach. Seeing students learn skills and apply them in real world situations is just the best feeling in the world. I have coached six state championship teams. I have had more than 20 kids I coached go to college on full-ride scholarships.

Andy Jackson is one of my star players on my basketball team at Camellia High School. They are just an all around good kid. Straight A student, volunteer mentor, and even part-time DJ...Andy has it all. In fact, my twin granddaughters go to the Y and they just adore when Andy hangs out with them.

Andy has never given me a moment's trouble. That's the reason I was surprised in March when someone showed me a video on Instagram claiming that Andy had COVID-19. The school had instituted a strict policy regarding COVID-19 back in 2020 that was especially harsh on student athletes. I understood why, of course. When you've got kids playing a game as physical as basketball, they're breathing all over one another and it's just really easy to transmit. Anyone who tests positive has an automatic two-week quarantine.

We had play offs coming up and I definitely didn't want to have to forfeit because my team all came down with COVID-19. I called Andy in and asked if they had COVID-19. They said they didn't. I said I needed a doctor's confirmation that they did not before I could allow them to play again. Andy protested that we had a game that night. I told them it was just a regular game against an unranked opponent and taking a break would not hurt anyone. They got really angry saying that a stupid rumor was ruining their life.

We had the basketball game that night. I don't know if there were scouts from any colleges there, as I was busy with the game. I highly doubt they were though. Scouts tend to want to watch more competitive games than that one was. We won easily.

The next day before classes even started, Andy brought me a letter from their doctor. The letter said Andy had been tested the day before and did not have COVID-19. Andy was jazzed when I told them that was all I needed and they could resume play

Imagine my surprise when later in the day, I learned Principal Wright suspended Andy and was recommending expulsion for the remainder of the school year over some TikTok video.

Naturally, I took a look at the video. Anyone who knows Andy knows that video was a joke. That kid wouldn't hurt a fly. It was clearly showing they were upset with missing the game, but nothing else. I still don't see where any threat was issued. In my opinion, some school administrators are so worried about school violence nowadays, that they overreact. This was clearly just a really good kid letting off some steam in a pretty creative way.

I knew Andy had to go before a tribunal of some of our school system employees. My friend Paul Rodinger was the head of the tribunal and he told me about it. Paul coaches baseball for Elm Middle School. He's a good guy. I consider him fair, but stern. Paul said there was a teacher from one of the elementary schools, Cindy Lauper (no relation) and a librarian from

another elementary school on the panel. Paul said he really wanted to find in Andy's favor, but Andy was giving off such an angry vibe he just could not take that risk with the other students. Paul said Andy smarted off in the tribunal, was really sullen, and really angry.

I was really surprised to hear that. I told him I thought he had Andy all wrong. I mean, I trust the kid with my twin granddaughters. I really could not believe it when the tribunal upheld the suspension and recommended expulsion.

If I had been school principal, I definitely wouldn't have recommended expulsion for Andy. I would have called them in, asked the intention behind the video, and taken the kid's word at face value. It's really pushing it to say the phrase "Players know how to even the score" is a threat, as in my experience basketball players are very serious about scoring.

Andy is very lucky in that they have a great family that loves them. Still, Andy has told me before that the only way they are going to college is on scholarship. We even had that discussion when Andy quit the debate team to focus solely on basketball. I told Andy that it really did not matter if it was debate or basketball that got them to college—that the goal was just to get to college. I told Andy that it was not necessary to quit debate in order to excel at basketball. Andy said they were just stretched too thin and they thought basketball was a better way to get to the school they wanted than debate. I supported that decision. I think a lot of time students these days just have too much pressure on them. It is healthy for a kid to recognize and set boundaries when they get overwhelmed. I think it was very mature for Andy to recognize they could not do it all, and prioritize activities. I think it is up to adults in kids lives to listen to and support students when they say they're struggling.

I guess that's another thing that really irks me about this whole situation. Even if Andy was everything Principal Wright and the tribunal thought, is expelling them the answer? Doesn't

that just make an angrier student? Who benefits from such a decision? I mean absolutely, if Andy had brought a weapon to school, by all means, expel them. But how are words so inherently harmful? I remember as a kid, chanting, "Sticks and stones may break my bones, but words will never harm me." When did we get away from that? But the bottom line is Andy had never taken a swing at another student, pulled a weapon on another student, or caused harm to another student. Calling them a bully or a threat to student safety is insulting and degrading. The fact this happened at the hands of fellow educators makes me really question the system and my role in it. We are here to help lift students up, not tear them down.

Deposition of Leslie Newton

My name is Leslie Newton. I am a junior at Camellia High School. I have been friends with Andy Jackson since my freshman year.

Andy is a great person. They're popular, a straight A student, gives back to the community by volunteering—I could just go on and on. Anyone who knows Andy knows that the idea of them threatening anyone is a complete joke.

Stacy Simpson has had it in for Andy ever since they dropped debate. I mean who wants to hang with a bunch of debaters, when you can hang with the basketball team? Stacy though, has made it known to everyone that they are really angry that Andy dropped out and ruined their chances at winning a state championship.

Stacy is such a know-it-all. Anyone that has classes with them just groans about them. I have Spanish with them and every day, right when Senora Mercado is about to let us go, there is Stacy raising their hand, asking an involved question. One day Stacy even reminded Senora Mercado that she forgot to give us homework!

Therefore, no one was surprised when Stacy started that stupid rumor about the basketball team having COVID-19. So many people have lost loved ones or are suffering the effects from it, they knew that rumor would be sure to put everyone in a tizzy. I still can't believe they went as far as to film Andy at their locker, sneezing with an allergy attack and claim it was COVID-19. That was just wrong.

Yeah, I saw the video of Andy sneezing. Stacy put it up, and people were texting it and messaging it to one another. You could say it went viral—at least at school. I got a text message to the video within six minutes of them putting it up. Everyone in school saw it. I did my part to try to control the rumor mill. I told everyone I knew that Andy just had bad allergies

and that sneezing did not equal COVID-19. Not everyone believed me. Some people said the basketball team could be jerks, and it was entirely possible they were covering up a COVID-19 outbreak. That really shocked me. The basketball team is made up of really good people. I don't think any of them would lie like that.

What made it even worse was that Andy had always defended Stacy to me. When I would talk about how insufferable Stacy was in Spanish class, Andy always told me I had them all wrong, and that they were actually pretty cool. I never saw it, myself. Andy though, would not stand for me to talk badly about Stacy. If I started in on them, Andy would change the subject and tell me to lay off them. It just goes to show that no good deed goes unpunished.

I love going to cheer Andy on at basketball games, so I was disappointed when Coach Lackey said they couldn't play due to Stacy's stupid rumor. Andy's cute little sister usually sits beside me and we cheer them on together at games. Andy is such a natural at basketball, I'm like really jealous of their talent, honestly.

I still went to the game even though Andy wasn't playing. I sat next to two guys—one was wearing an Alabama hat and the other had on a Louisville jersey. They both had clipboards. It was clear they were college scouts. I mean I never talked to them or asked for sure, but when you've been a basketball fan as long as I have, you know a scout when you see one.

That made me really sad and angry that Andy had missed the game. See, I know Andy's folks don't have a lot of money. Andy has told me that a basketball scholarship is the only way they'll ever make it to college. Andy can't afford to miss games where there are scouts.

I went home and called Andy and told them what they missed at the game. We had won easily, but it still stank that Andy wasn't there with us. When Andy heard there had been college scouts at the game, they flipped. Andy started saying they couldn't believe Stacy was ruining

their lives like this. I told Andy to calm down. Andy said they weren't going to calm down. They were going to get even.

I saw Andy's TikTok later that night. Their rap totally owned Stacy. It was clear the rap itself was what was to get even—exposing Stacy to be the liar they are. It seems like Andy finally woke up and realized what the rest of us already knew—that Stacy is an insufferable little weasel. I loved the fact they called them out like they did.

The next day, everyone at school was talking about how Andy called Stacy out. Most everyone was glad about it. Stacy has really rubbed a lot of people the wrong way at school. Stacy tattles on the stupidest little things and frankly, is just annoying. Most everyone thought it was about time to see Stacy knocked down a peg or two.

I think it's really unfair that Andy was expelled. Stacy should have been expelled for starting the whole thing with their vicious rumor. Everyone knows that "Players know how to even the score" is just an expression. It's even related to basketball!

Of course Stacy, being Stacy would take the lyric "Players know how to even the score," to mean something it didn't. They're so dramatic. They think everything is about them and the world revolves around them.

Anyone who thinks Andy Jackson is a threat to students or anyone doesn't know Andy Jackson. Andy Jackson is just a really cool person who would never hurt anyone. This whole thing is just wrong. Andy does not deserve what is happening to them.

Watching what Andy has gone through has really made me lose respect for people in charge. I think Principal Wright and the school board have been really unfair to Andy. It is clear that being a good student and excelling at a sport can make you a target at Camellia High School. You won't be given the right to defend yourself or explain yourself and if you do, you'll just be

called a liar. It's like living in jail. We have no rights. We just have to do as the adults say, and let them tell us what we meant by something, rather than having them listen to us. It's discouraging and wrong. I can't wait until I graduate.

Deposition of Stacy Simpson

My name is Stacy Simpson. I am a senior at Camellia High School. I live in Harper, Alabama. I have known Andy Jackson since we were in pre-school together at Little Tots Kiddie College. I always considered Andy Jackson a friend until last year.

I am very cerebrally minded. I make straight-As and am in the running to be class valedictorian. I'm on the school's Scholar's Bowl team, participate in Youth Legislature and Model U.N., am editor of the school's digital news website, and am on the school's debate team. I'm so good at debate, I'm being scouted by the head of Western Carolina's Forensics Team. I am all but assured I will get a scholarship there due to my debate skills.

Andy had been my policy debate partner up until the middle of our junior year. Suddenly, in December, after we had been practicing for months, Andy no longer had time for debate. We were such a good team. We had been ranked first in two out of the three tournaments we had competed in already that year. Now, Andy was just abandoning me. There was no way I could get a partner trained to be as good as Andy in time for state competition. We had ranked second in state competition the year before and that was our year to take first.

Andy told me basketball was more important as they could get a scholarship for playing. I told Andy they were ruining my chances at a forensics scholarship and being really selfish. They just shrugged and said "Players gotta commit to the game" whatever that means.

I had to drop out of policy debate since I no longer had a partner, but I was still able to compete in my other Forensics events including extemporaneous speaking, impromptu speaking, persuasive speaking, and informative speaking. I was still doing well in those categories—"breaking" into final rounds at nearly every tournament. So, even though I was ticked off at Andy, I had no reason to hold a grudge.

One day at school, I heard that a couple of basketball players were displaying signs of COVID-19. They were apparently hiding it from Coach Lackey, as play offs were coming up. Being the editor of the school's news website, "Camellia Corner", I knew this could potentially be a huge story for the school. I tried to get the scoop. Frankly, the basketball team basically rules the school. They get away with everything—they can be late to class, not turn in homework, roam the halls. It's really unfair how teachers turn a blind eye to their shenanigans. Therefore, it seemed entirely possible the basketball team could be covering up a COVID-19 outbreak.

The next day I saw Andy Jackson standing at their locker sneezing their head off. This wasn't just normal sneezing. It was full on happening for minutes at a time. Clearly, Andy was one of the ones who had COVID-19 and was hiding it. I took a video of the sneezing. It wasn't right for the basketball team to expose us all to a potentially deadly virus just because there were some stupid games coming up.

I thought it was important for my fellow students to know we had plague rats among us, so I posted the video to my Instagram.

Andy was pulled out of the next game because of COVID-19. I heard they were really mad at me because there were some important scouts at the game. Then that night, I got an anonymous text message on my phone to go look at Andy's Tik Tok.

Andy had changed up the lyrics from "Players Gonna Pay" talking about snitches and the most frightening line, "Players know how to even the score." They put a bunch of skulls in the caption. I knew that was a direct threat toward me for exposing them.

Andy's Tiktok was all over the school the next day. Everyone knew they were talking about me. Several people were laughing at me and calling me a "snitch," in the halls at school.

It was really uncomfortable. Someone put a sign that read “Snitch” on my locker, and someone wrote in car chalk across my car windows, “Players know how to even the score.” I was terrified.

My friends tried to get me to laugh it off, but I knew people were really mad at me. My friends said I was over-reacting and imagining things. They said it was probably just the basketball team that put up the sign and wrote on my car windows, and that frankly, no one else in the school cared about the basketball team, except the basketball team.

Leslie Newton, who hero-worships the basketball team, saw me in the hall and made a gesture like slashing their throat and pointed at me.

It scared me so badly I had a panic attack.

I went to the school resource officer, Pat Ingle, and showed them the video and asked how to get a restraining order against Andy. I really thought that might back the rest of the team off. Officer Ingle was very concerned after I explained the situation and told me not to worry, they’d take care of it. I hoped that would mean figuring out who put the sign on my locker and wrote on my car. I hoped they would talk to both Andy and Leslie.

After that, I heard Andy got expelled for the rest of the school year for online bullying. A lot of people at school are mad at me for getting the star forward expelled, but it wasn’t my fault. It was theirs. They shouldn’t have exposed us all to COVID-19 and they definitely shouldn’t have threatened me. I also don’t think it is fair to put that on me. I never went to Principal Wright. I never talked to the school board. The only person I ever talked to was Officer Ingle.

Statement of Ashley Wright

My name is Ashley Wright. I am 52-years old and have been the principal at Camellia High School in Harper, Alabama for ten years. I handle most discipline issues at the school. I graduated from Harper College in 1993, and received my master's in counseling through an online program with Mockingbird University in 1998, and in 2005 I got my Ph.D. in school administration from Jordan University.

As a high school principal, I receive yearly training regarding conflict resolution, diversity, equity and inclusion training, curriculum training and the like. I have taken special courses to identify the threats students face—one of the worst of which is online bullying. I am the school's Title IX and Title VI coordinator due to my expertise in the fields. I have been invited to speak at seminars regarding how online bullying affects student success rates and how best to manage cases. My last seminar was on a panel for young teachers at the Alabama Education Association conference, and was entitled "Online Bullying and How It's Affecting Your Classroom."

Thankfully, we have had very few cases of online bullying at Camellia High School. The students know that I take bullying very seriously. I can think of three instances that it has happened since I have been a principal. One time some senior boys thought it would be fun to start a Facebook group ranking the female students in how attractive they thought they were. We never found the culprits as no one would tell who was responsible for the group. I have little tolerance for that sort of misogyny.

Another time, two girls who were best friends started arguing over a boy. It was really silly. One of the girls sent out an unflattering picture of the other when she was much younger. The kids started teasing the girl about the picture. I had a conference with both girls, and

assigned the one who sent out the picture to in school suspension for three days. They were best friends again, a week later.

Then one time a freshman attempted to take their own life in a school bathroom. An explicit picture was being shared around the school of the student. I suspended every student whom we found had it on their phones, but we never found out who first sent the picture. I can only hope one of those students I suspended was the culprit. The freshman was in ICU for three days following the attempt. They're recovering well at home and have switched to online classes. I never could have forgiven myself if a student died on my watch over online bullying.

In March of 2023, I was approached by the School Resource Officer, Pat Ingle, and told that a student had been making threats to another student online. I was surprised when they played me a video of our school's star forward, Andy Jackson, rapping about the coronavirus, snitches, and saying someone had to pay.

I had been informed by Coach Lackey that Andy had been sent home the day before due to exposure to the COVID-19 virus. It was clear that Andy was very mad about that and planned to "even the score." In this day in age, with school violence being an epidemic, a school administrator has to take every threat seriously.

Officer Ingle and I called Andy into my office and asked for an explanation as to the video. Before we started, Officer Ingle asked Andy if they had any weapons on them and patted them down. Andy said something to the effect of they weren't stupid enough to have weapons on them at school. I remember because that worried me because it seemed like Andy had a plan and knew that bringing weapons to school could ruin it. Andy did not deny having weapons at home. It seems like most kids would have said they didn't have any weapons at all—not just that they weren't stupid enough to bring them to school.

Andy said all the video was about was that they were really mad about missing the game the night before and were just blowing off steam. I pointed out the issue with them saying “players know how to even the score.” Andy mumbled that they just meant scoring baskets. Given the context of the lyric it was clear that was not what Andy meant. Andy was acting very aggressive in the video making all sorts of gestures when they rapped that line. I encouraged Andy to be honest with me. They continued to insist the video was only about basketball.

I found Andy’s lack of honesty distinctly disturbing. Andy had always been a straight-A student and a good example for younger kids. Andy had never given me any other problems and had not gotten in trouble except for a few tardies. The fact Andy would not just tell us they were upset and making a threat seemed out of character for them. However, as my training has taught, threats can come from anywhere. School safety is nothing to fool around with.

The school has a zero tolerance bullying policy. It was clear to me that Andy had violated the policy.

I told Andy they were suspended from school until further notice, and that I would be recommending to the school board that they be expelled the remainder of the year.

The way the expulsion process with Harper City Schools is that I, or any principal, make a recommendation of expulsion to the school board. The decision is then reviewed by a tribunal consisting of three school system employees from different schools. The tribunal holds a hearing with the student then makes a recommendation to the board as to whether the student should be expelled. In all my years of being a principal, I am only aware of two times the tribunal has not made the recommendation to expel the student.

I attended Andy Jackson’s tribunal hearing. Paul Rodinger, Cindy Lauper, and Ruth Peak were the school system employees on the tribunal. Andy continued to lie, and told them

that they were only talking about basketball in the video. Paul got a little stern with Andy because he was obviously tired of hearing the same song and dance. Andy smarted off to Paul that even murderers have the right to confront their accusers—like this was a court of law or something!

I told the tribunal about the interview with Andy in my office and how upset they had seemed. I told the tribunal that I really thought Andy was a threat to student safety, and it was in everyone's best interests for Andy to be removed from the school setting until they got some anger management counseling. Andy absolutely blew up when I said that. Andy said they could not believe that someone could listen to that song and hear a threat. They were so mad they were crying.

I think that outburst is what really did it for the tribunal. Andy had just proven how correct I was in my assessment. They could not control their temper. They could not conduct themselves properly even in a setting like a tribunal.

In my professional opinion, Andy was a bomb about to go off. They were upset beyond normality and seemed unhinged. I had a duty to protect my students. Expelling Andy was the right thing to do. I relied on my expertise and the school's zero tolerance bullying policy to do so.

It is my job to keep students safe. I have a responsibility to make sure that my school is secure and to act upon threats as I learn about them. School is not a democracy. We try to be as fair as possible, but the truth is, student safety can override concerns about fairness. I am aware of the law and as it pertains to students rights. We afforded Andy Jackson every opportunity to prove they were not a threat to student safety. They failed each time we gave them that opportunity. The idea we deprived Andy of due process is ludicrous. Andy had every

opportunity to present their case. In fact, Andy did not even show up to the school board meeting where the expulsion was upheld. I find it very strange that they have now filed this lawsuit when they couldn't even be bothered to attend the school board meeting.

Deposition of Pat Ingle

My name is Pat Ingle. I have been the School Resource Officer at Camellia High School for three years. I have been a member of the Harper City Police Department for ten years. I have received training in school threat assessments and lead active shooter drills for the school.

On March 8, 2022, I was approached by Stacy Simpson, a student at Camellia High School. Stacy said they wanted to show me a TikTok. I told her it was better for kids to keep their phones in their lockers as it disturbs the classroom for students to have them out all the time. They started crying, and said they needed advice because someone was after them.

Stacy said someone had left a note on their locker, and that someone had written on the windows of their car with chalk paint.

Stacy asked how to get a restraining order. I was very concerned because Stacy was hysterical-crying so hard they were hiccupping. I asked what TikTok had to do with anything, and they said they had been threatened on TikTok.

I took a look at the TikTok. In it, Andy Jackson was rapping to the tune of "Players Gonna Pay", but they had swapped out the lyrics. They were talking about Camellia High School basketball, snitches, and a whole lot of other things. I was particularly disturbed by the way Andy looked at the camera and made a gesture like slashing their throat when they rapped "Players know how to even the score." It was clear it was a threat to someone.

I asked Stacy how they knew the threat was directed toward them. Stacy told me Andy was angry that they had posted an Instagram video of Andy sneezing, and blamed Stacy for Andy missing the big basketball game the night before.

Part of my job is to assess threats towards students. I was concerned enough after viewing the video that I sent it to our local assistant district attorney to see if charges could be

filed against Andy. The ADA said there likely wasn't enough there to sustain criminal charges, but he would advise making sure Andy had as little contact with Stacy as possible. He further advised that in Alabama it can be really hard to get a restraining order against someone who you are not in some sort of familial or dating relationship with.

I also pulled the surveillance tapes from the locker area and parking lot. As far as the locker area, it got really busy when students were changing classes, and it was clear the sign was posted during the class change. It could have been any of a dozen students who posted it—however, Andy Jackson was not one of them. It turns out the parking lot camera was malfunctioning, so all I could see was a lot of static.

I went to Principal Wright and expressed my concerns. Principal Wright called Andy in and asked for an explanation as to the video. Andy continued to insist the video was only about basketball and they were not threatening anyone. Andy acted extremely suspicious. They kept their head down and mumbled their answers. They were very disrespectful to Principal Wright in my opinion.

I asked Andy if they had any weapons, and they said, "Are you crazy? Why would I have any weapons?" I hadn't had contact with Andy before, so I don't know if they were always so disrespectful or if it was just the tension of that day.

I was still disturbed by Andy's attitude. It seemed like they were about to explode with anger. I know kids like that can just go off and then people can get hurt. I urged Principal Wright to take action against Andy for the safety of other students. I think I was right in my assessment.

I feel really bad for Stacy Simpson. It is very clear they were very frightened when they came to me. The basketball players are generally well-liked at the school, so it's no wonder they were getting a little flack for the COVID-19 video.

I was frankly surprised that Principal Wright kind of skated over the fact that Stacy had also posted a video. Even though it wasn't a threat, it sure seemed like cyber bullying to me—hiding behind a screen to take a shot at the basketball team.

I also don't like the fact that Stacy attempted to weaponize the COVID-19 pandemic. My father-in-law died from complications related to COVID-19. It still makes me want to drench myself in hand sanitizer when anyone mentions the illness.

I'm not an educational professional, but what Stacy did, sure seemed like bullying behavior to me. However, no one deserves to be threatened, and Stacy was so frightened by that video.

If you want my honest opinion, school was a lot easier back in my day. We didn't all have phones. If you wanted to talk to someone you had to actually hope they were home, and if they were, their Mom wasn't on the phone or their little sister wasn't on the internet. If a rumor got started, it took a while to spread. It wasn't like nowadays where kids can just click a button and bam, ruin someone's life—all in the space of ten minutes. I think about that a lot—that as a kid, I had the time to talk myself out of some stupid actions; but kids today don't have that luxury. And one thing kids are, is impulsive.

I really don't think the Tiktok video or the Instagram video should affect these students for the rest of their lives. They made dumb mistakes. Even though Andy was so angry when Principal Wright and I interviewed them, I think counseling and a good round of in school suspension would have done the trick. I think Stacy Simpson deserved in school suspension as

well. But like I said. I'm not an educational professional. I'm just a cop who calls them like I see them.

Exhibits

Harper City Schools Code of Student Conduct

Jamari Terrell Williams Act of 2018

Previously known as the Student Harassment and Prevention Act (Bullying), it is the policy of Harper City Board of Education that if a student(s) demonstrates a continuous pattern of intentional behavior that takes place on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical acts, that student(s) will be subject to disciplinary actions outlined in Class II and III offenses in Code of Student Conduct. School administration will investigate all matters brought before it to determine consequences.

DISCIPLINARY ACTIONS FOR SECONDARY SCHOOLS CLASS II OFFENSES

Parent/Guardian contact will be made for each offense.

1st Offense – 2 Days ISS

2nd Offense – 3 Days ISS

3rd Offense – 4 Days OSS

204 Intimidation, harassment and/or bullying of students – the intentional, unlawful threat by verbal, written, or physical communication to do violence to another student.

DISCIPLINARY ACTIONS FOR SECONDARY SCHOOLS CLASS III OFFENSES

SIR 20 *Harassment/Bullying

A person commits the act of harassment if, with intent to injure, or disturb persistently (pattern) another person, he/she:

- Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact.

A person commits the crime of harassing communication if, with intent to injure or disturb persistently another person he/she:

- Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication in a manner likely to disturb presently.
- Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication.
- Telephones another person and addresses to or about such other person any lewd or obscene words or language.
 - 1st Offense -Parent /Guardian contact and recommendation of 30 days at Harper City Alternative School
 - 2nd Offense - Parent/Guardian contact and recommendation to go to the Student Disciplinary Tribunal for a hearing

NO STUDENT WILL BE SUBJECT TO DISCIPLINARY CONSEQUENCES WITHOUT BEING ACCORDED DUE PROCESS BY HAVING AN OPPORTUNITY TO ADMIT, DENY, OR EXPLAIN THE CHARGES. Inappropriate behavior while in In-School Suspension may result in extended time in In-School Suspension. Repeated offenses may result in disciplinary actions as specified under Consequences for Class III Violations or the student referred to the Student Disciplinary Tribunal.

Harper City Schools COVID-19 Policy

After thorough review and consideration of the new recommendations by the Center for Disease Control and Prevention (CDC), as well as consultation with other districts in the area, Harper City Schools (HCS) is implementing the following safety policy:

- Masks will be strongly encouraged inside all HCS facilities and campuses;
- All HCS facilities will continue to use best practice strategies for cleaning recommended by the CDC.
- Vaccination is currently the leading public health prevention strategy to end the COVID-19 pandemic. Promoting vaccination can help us safely return to in-person learning as well as extracurricular activities and sports.
- All students and staff will be asked to self-monitor for [symptoms of COVID-19](#). If they are feeling sick, they should stay home from school.
- HCS will continue to utilize thermal cameras to identify individuals with illness symptoms and will send those individuals home until they are symptom-free.
- HCS will reevaluate these strategies and make changes as necessary to support local healthcare authorities in their ability to provide services to the public

In addition to adhering to these protocols, HCS will follow new isolation and quarantine guidelines established by CDC, which currently states people with COVID-19 should isolate for five days, and if they are asymptomatic or their symptoms are resolving (without fever for 24 hours), that isolation will then be followed with five days of wearing a mask when around others to minimize the risk of infecting people they encounter. Students may not return to any extra-curricular activities for two weeks (14 days) after testing positive for COVID-19.

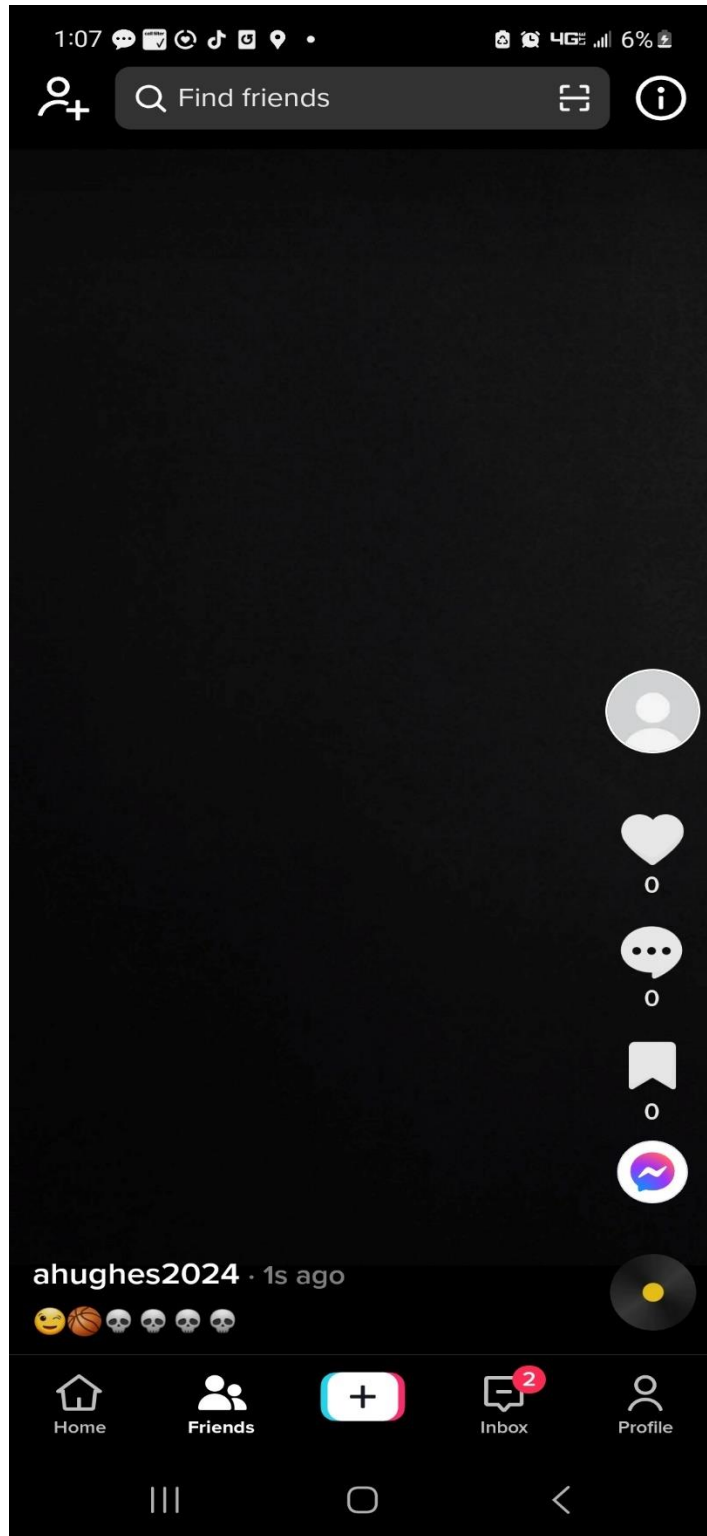
Transcript of Andy Jackson's TikTok

Andy Jackson: Yo, yo, yo. I'm feelin' some kinda way tonight and I think I need to rap it out.

(Music comes on)

Attract heavy cash 'cause the game's centrifugal
Mr. Wonderful, long dough like elastic
Guard my life with the ball no doubt about it
On my way up got scouts outta the woodwork
Yet someone gotta act all like a jerk
Snitchin' on nothing, up in other people's business
Thinkin' they be they own star witness
Players gonna pay
Ain't nothin' else to say
Missin' out on scouts cause someone's a liar
Better watch out or end up in a fire
'Cause players know how to even the score
Players are out for more, more, more

Screenshot of Andy Jackson's TikTok



Screenshot of Stacy Simpson Instagram

1:28 [notification icons]

4G [signal strength] 26% [battery]

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sosimpson2024 Camellia Corona--star basketball player has COVID-19

1 minute ago



HARPER PEDIATRIC CLINIC

112 S. Reeves Street · Harper, AL 36987 · 334.590.6200

March 7, 2023

To Whom it May Concern:

Andy Jackson was evaluated by my office this day. They tested negative for COVID-19. Following my examination, I have placed no restrictions on Andy's physical activity.

Sincerely,

Dr. Ann Miller

Harper City Schools

912 Education Lane

Harper, AL 36419

March 26, 2023

Andy Jackson
803 N. Dogwood Lane
Harper, AL 36419

Dear Student:

Please be advised that the tribunal in your case is scheduled for Wednesday, April 12, 2023, at 10:15 a.m. at the Harper City Schools Central Office (912 Education Lane, Harper, AL). As you should know, Principal Ashley Wright has recommended your expulsion from Camellia High School for the remainder of the school year due to an instance of online bullying and threats against another student.

You will have the opportunity to present evidence as to why you should not be expelled and/or why you are not guilty of the conduct alleged. Please be aware that the tribunal is an informal proceeding, and as such, rules of evidence, etc. are not necessarily observed.

Should you have any questions, feel free to call me at 334.590.9999.

Sincerely,

Barbie Mattel
Superintendent