



OFFICIAL ANNOUNCEMENT OF CIVIL RIGHTS LAWSUIT

October 22, 2024

Welcome all. I'm Nicolle Hutchinson, the executive director of Gillingham Charter School

On October 3rd, 2024, the Pottsville Area School District denied our juniors, seniors and teachers access to the Schuylkill County Regional College Fair. They were subjected to unnecessary force, verbal intimidation, and public humiliation at the hands of the Pottsville Area School District and its state officers, Superintendent Dr. Sarah Yoder, Ms. Kayla Peters and Ms. Cindy Stasulli, simply for attending the county's regional college fair, which they were initially invited to attend.

When later "uninvited," the students decided to attend since it is within their rights to attend. When they arrived, they were immediately detained and met with hostility and aggressively confronted by Dr. Yoder, who refused to let the students and teachers to visit the information booths of the colleges and universities.

Dr. Yoder moved Coach Martin, who was filming, and placed her hands on him as she guided him away.

She frantically stormed toward a student who was filming, grabbed his arm, forced his arm down, and attempted to seize his phone.

She then attempted to block students and staff from walking to the college fair booths and representatives, and pushed one student back, forcefully restraining him by grabbing him on his shoulders.

Dr. Yoder also immediately called the police and threatened to have the students and teachers arrested.



Incredibly, when our students respectfully and peacefully exercised their rights and entered the gym floor to visit booths, Dr. Yoder and Ms. Peters directed all the other public school student attendees AND the college and university representatives to vacate the gym floor. Most reps and all the other students left the gym floor and sat in the upper-lobby bleachers that overlooked the College Fair, staring and gawking at the Gillingham students who were left to walk around and view unattended booths by themselves.

After the police arrived, Dr. Yoder eventually permitted students to view the college booths, but Gillingham's students were *only* permitted to do so upon the condition that they keep their cell phones in their pockets, conditions which were *not* imposed on any other attendee at the College Fair.

Unfortunately, this is not the first instance in which the Pottsville Area School district and its employees showcased their propensity to intimidate and silence Gillingham.

In two separate appellate proceedings, in 2010 and 2015, the district was previously shown to have improperly attempted to dismantle Gillingham's charter through bullying and intimidation.

Moreover, since the time Gillingham opened until recently, the district refused to pay Gillingham directly every month for students enrolled at Gillingham in **direct violation** of the Charter School Law.

And more recently, Dr. Yoder called the police against Gillingham when Gillingham requested and received tuition redirection from the PDE as expressly provided for in the Charter School Law.

Similar to the College Fair, the police were dispatched at the behest of the Pottsville Area School District to unnecessarily intervene in a purely civil, non-criminal matter that was handled in accordance with the law.



The district's long-standing disdain for Gillingham came to a head on October 3, 2024, when 3 district employees continued their disturbing pattern of bullying and silencing of Gillingham, its teachers, and its students.

Today on October 22, 2024, the Gillingham community, the students, their parents and teachers say, "ENOUGH."

Attorneys, Mark Seiberling, Esq. and Miranda Dang, Esq. of Kleinbard LLC, filed a Section 1983 Civil Rights federal lawsuit on behalf of the 20 students, their parents and two teachers, that includes the following 9 counts of civil rights violations:

- Count 1: **First amendment free speech violations** by banning attendance and recording because student attendance and their viewpoints expressed were controversial
- Count 2: **First amendment violation of assembly** by banning student attendance because their viewpoints expressed were controversial
- Count 3: **First amendment retaliation violation** when students were threatened to be arrested for attending and recording, by having them visit college booths without the representatives present, and for refusing phone use.
- Count 4: **Fourth amendment violation of security against unreasonable searches and seizures** when detaining students and restricting their movement
-
- Count 5: **Equal Protection violation** when students and staff were denied the same opportunity to attend the educational College Fair, which was provided to all other similarly situated public and private high school students in Schuylkill County
- Count 6: **Excessive Force Resulting in Substantive Due Process Violation** when Dr. Yoder, acting as an agent of the PASD, physically assaulted, touched, moved or apprehended a teacher and 11 students



- Count 7: **Eighth amendment violation for cruel and unusual punishment** by forcing students to walk around the empty College Fair gymnasium floor while their peers and the college and university representatives sat, stared, and gawked at them from the bleachers above
- Count 8: **Conspiracy violation** when 3 Pottsville School District officers of the state reached an agreement or understanding to violate Plaintiffs' aforementioned constitutional rights
- Count 9: **Violation of the Equal Protection Clause of the Pennsylvania Constitution** when the district's school officers deprived students and staff of equal protection by denying them the same opportunity to attend the educational College Fair which was provided to the public high school students in Schuylkill County

We are not moving on and overlooking this. We're letting everyone know what happened to our students and teachers and what they're doing about it. This lawsuit, our statement and videos that clearly show what happened are available on our website and our Facebook page, and these students and teachers welcome your questions.

Here's why.

As a direct and proximate cause of the Pottsville Area School District and its officials' actions, the students and teachers were not only denied their constitutional rights but have also suffered emotional distress and significant injury to their reputation.

And, yet, they proudly and unreservedly

- volunteered to attend the fair even though they knew the risks.
- Volunteered to appear before you all here today, and
- Stand and fight against injustice by filing this suit today.



We commend our courageous juniors, seniors and staff who faced hostile animosity for simply choosing to attend a college fair in hopes of bettering their future. They displayed grace and respectful dignity in the face of discrimination. Their bravery reminds us all to stand up to injustice, regardless of personal sacrifice.

Thank you.

This was recorded on October 22, 2024, on the Gillingham school yard by Mrs. Hutchinson and the juniors, seniors and teachers before the entire school body.

Click to watch the school's public announcement published recorded on October 22, 2024:
<https://youtu.be/8svM9WVD0aE>

Click to watch the event of October 3, 2024, on Gillingham's website:
<https://gillinghamcharterschool.com/>