

## **FOR IMMEDIATE RELEASE**

### **Lawsuit Filed in U.S. District Court Against Pottsville Area School District and Employees**

#### **Civil Action with Jury Trial Demanded**

**October 22, 2024**

**Pottsville, PA** – Students, parents, and faculty from Gillingham Public Charter School have filed a lawsuit against Pottsville Area School District (PASD) and employees, Superintendent Dr. Sarah Yoder, and school counselors, Kayla Peters and Cindy Stasulli. The lawsuit, filed in the U.S. District Court for the Middle District of Pennsylvania by Mark Seiberling, Esq. and Miranda Dang, Esq. of Kleinbard LLC, alleges that on October 3, 2024, students and teachers of the Gillingham community were subjected to unnecessary force, verbal intimidation, and public humiliation by PASD personnel at the 13th Annual Schuylkill County Regional College Fair, held at Martz Hall.

According to the complaint, the school was initially invited to attend the College Fair as representatives of Schuylkill County’s public high schools along with the other public and private high schools in the county. The charter school was later “uninvited.” Believing it was their right as public school students, the students attended the fair. Upon arrival, however, they allegedly faced hostility and coercive actions from the PASD superintendent and school counselors, despite their rightful presence at the event. Students were refused admittance, forcefully moved, grabbed, intimidated, and blocked from speaking to college representatives. The students were threatened with arrest. College reps and other district public school students were directed to sit in the bleachers where they watched Gillingham students who were left alone to visit unattended college booths.

The complainants allege this is another attempt by the Pottsville Area School District of intimidation and silencing. 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. Allegedly, for 10 years 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.

## **Counts and Allegations**

The lawsuit seeks relief under multiple counts, alleging nine violations of the following federal and state laws by the 22 students, their parents and staff defendants:

1. **First Amendment Violation (Free Speech)** – Suppression of the students’ and teachers’ freedom of expression (42 U.S.C. § 1983).  
District officials banned attendance and recording because student attendance and their viewpoints expressed were controversial
2. **First Amendment Violation (Assembly)** – Infringement on the students’ and teachers’ right to peaceful assembly (42 U.S.C. § 1983).  
District officials banned plaintiffs from a designated public forum and the attempted to physically remove Plaintiffs
3. **First Amendment Retaliation** – Retaliation for the Plaintiffs’ exercise of free speech rights (42 U.S.C. § 1983).  
District officials threatened arrest for attending and recording
4. **Fourth Amendment Violation** – Defendants engaged in unreasonable searches and seizures against Plaintiffs (42 U.S.C. § 1983).  
District officials detained and restricted plaintiff’s movement
5. **Equal Protection Violation** – Unequal treatment based on affiliation with Gillingham Public Charter School (42 U.S.C. § 1983).  
District officials banned plaintiffs from attending the college fair because their attendance and viewpoints expressed were controversial, which constitutes impermissible viewpoint discrimination.
6. **Civil Rights Act Violation (Title VI)** – Discrimination prohibited under Title VI of the Civil Rights Act (42 U.S.C. § 1983).  
The assaults and batteries upon 11 students and one adult were unnecessary, unlawful, outrageous, intentional, and constitute a violation of substantive due process

7. **Eight Amendment Violation, Excessive Force (cruel and unusual punishment) Resulting in Substantive Due Process Violation** – Undue use of force that resulted in violations of substantive due process rights (42 U.S.C. § 1983).

Defendant Yoder, as an agent of PASD, used excessive force to detain several students and attempted to seize property.

The district officials subjected the Plaintiffs to cruel and unusual punishment by forcing them to walk around the empty College Fair while their peers and college representatives sat, stared and gawked.

8. **Conspiracy** – Defendants conspired to violate the civil rights of the Plaintiffs (42 U.S.C. § 1983).

District officials reached an agreement or understanding to violate Plaintiffs aforementioned constitutional rights

9. **Pennsylvania Equal Protection Clause Violation** – Unequal treatment in violation of the Pennsylvania Constitution.

District officials 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

The 22 Plaintiffs seek redress for the alleged violations and have requested a jury trial. They maintain that the PASD Defendants' actions not only infringed on constitutional rights but also highlighted a broader issue of hostility towards Gillingham Public Charter School students within the school district.

### **Contact**

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**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/>

## **SEPARATE YET RELATED – RECAP PRESS RELEASE:**

### **Despite Initial Invitation, Gillingham Charter School Students Excluded from Schuylkill County College Fair (on 10/3/24)**

**Pottsville, PA** – Gillingham Charter School was initially invited to attend the Schuylkill County College Fair, an event meant to provide all public high school students in the county the opportunity to meet with college representatives. Though “uninvited,” Gillingham Charter School staff and students, believing it to be within their rights, arrived to the fair but were excluded from the event.

#### **Timeline of Events:**

- **Initial Invitation and Exclusion:** Gillingham Charter School received an invitation to the College Fair, hosted at Martz Hall, but was later uninvited by Defendant Stasulli, who claimed that only schools affiliated with Schuylkill Intermediate Unit 29 were permitted. However, other private schools were also in attendance.
- **Arrival and Denial of Entry:** Upon arriving at the College Fair, Gillingham staff and students were briefly allowed into the venue. Shortly after, Defendant Peters informed the group they were not invited, further enforcing their exclusion.
- **Attempt to Assert Right to Attend:** Plaintiff Herbert read a prepared statement affirming the school's right to participate in the event as a public school. In response, Defendant Yoder attempted to physically block Gillingham attendees from accessing the event, even instructing university representatives to stop interacting with them.
- **Isolation and Humiliation:** An announcement over the intercom caused most college representatives and all other student attendees to relocate to the bleachers, leaving the Gillingham group isolated on the gymnasium floor. The group felt humiliated by the exclusionary treatment.
- **Police Involvement and Restricted Access:** The situation escalated to the point that police were called. A compromise was reached, allowing Gillingham attendees to remain at the fair for 30 minutes, though under cell phone restrictions not imposed on other schools.

#### **Conclusion:**

Despite being briefly allowed to stay, the actions of the event organizers left Gillingham students and staff feeling ostracized and humiliated. The incident highlights the ongoing challenges faced by charter schools in gaining equal access to public events and resources.