

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANELLE WOLFE, ON BEHALF OF HER  
MINOR DAUGHTER, SLOANE WOLFE,

Plaintiffs,

v.

TWIN VALLEY SCHOOL DISTRICT,

Defendant.

**Civil Action No.:** \_\_\_\_\_

Hon. [Judge]

**VERIFIED COMPLAINT**

Plaintiff Janelle Wolfe brings this action for declaratory and injunctive relief on behalf of her minor daughter, Sloane Wolfe, against Defendant Twin Valley School District for violations of the First Amendment to the United States Constitution and the Equal Access Act, 20 U.S.C. § 4071, *et seq.*

**INTRODUCTION**

1. For more than three years, Twin Valley School District (“District”) has suppressed the rights of students, including Sloane Wolfe and her older sister, Arden Wolfe, to exercise one of the most cherished rights enshrined in the Constitution: the right to criticize their government without facing viewpoint discrimination.

2. Since June 2020, the Wolfe sisters, along with other likeminded students in the Twin Valley School District, have tried to establish a high school student club called “Retire the Raider,” focused on cultural competency and addressing Native American cultural appropriation— including through advocating for replacement of the District’s mascot and logo, a stereotypical

indigenous American figure—and education of students and community members about indigenous culture.

3. But the Wolfe sisters and their supporters have faced tremendous pushback, vitriol, and even threats from members of the Twin Valley community who want to “preserve” the Raider.

4. Specifically, the District has refused to recognize Retire the Raider as an official student club and unlawfully discriminated against it and the Wolfes every step of the way, solely because District officials do not like the club’s message.

5. Meanwhile, the District has recognized other noncurriculum-related student clubs, including The Awakening, a Christian club; E-sports video-game club; a leadership experience and opportunity (LEO) club; Mini-Thon, which raises money for pediatric cancer; Sips of the Valley, a hot beverage and discussion club; and Ski Club.

6. The District’s refusal to recognize Retire the Raider as an official student club denies Sloane and other students basic privileges afforded to every other school club, including, *inter alia*, the equal ability to hold regular meetings; equal access to sources of funding; recognition on the Twin Valley High School Activities webpage; and the equal right to advertise club meetings, events, and field trips. This denial of equal access violates the free speech clause of the First Amendment to the United States Constitution and the federal Equal Access Act.

7. By officially recognizing other noncurriculum-related student clubs, the District has established a limited public forum. It cannot deny access to that forum on the basis of a student club’s viewpoint. But that is exactly what the District has done here.

8. Additionally, the Equal Access Act (“EAA”) prohibits “any public secondary school . . . which has a limited open forum,” including Twin Valley High School, “to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting

within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.” The District’s refusal to provide the same access to school facilities to Retire the Raider as it provides to other noncurriculum-related student clubs violates the EAA.

9. Accordingly, Plaintiffs seek a declaratory judgment that the District’s discriminatory treatment of Retire the Raider violates the First Amendment and the EAA, and preliminary and permanent injunctive relief requiring the District to recognize Retire the Raider as an official school club with all attendant privileges; nominal damages; and other relief as set forth below.

### **THE PARTIES**

10. Plaintiff Sloane Wolfe is a fifteen-year-old student in the 10<sup>th</sup> grade at Twin Valley High School within the Twin Valley School District. She lives in Morgantown, Pennsylvania, with her mother and father.

11. Plaintiff Janelle Wolfe is Sloane’s mother and brings this action on behalf of her minor daughter, Sloane Wolfe.

12. Defendant Twin Valley School District (“the District”) is a political subdivision of the Commonwealth of Pennsylvania spanning portions of Berks and Chester Counties.

13. The District maintains its administrative offices at 4851 N. Twin Valley Road, Elverson, Pennsylvania.

14. The District receives federal financial assistance.

15. Sloane Wolfe has been—and continues to be—subject to the Defendant’s actions, customs, policies, and practices complained of herein.

## JURISDICTION AND VENUE

16. Plaintiffs bring this action under 42 U.S.C. § 1983 for violations of civil rights under First and Fourteenth Amendments to the U.S. Constitution and the Equal Access Act, 20 U.S.C. §§ 4071-74.

17. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 because Plaintiffs' claims arise out of federal law and the United States Constitution.

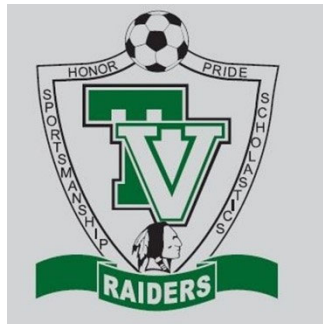
18. This Court has personal jurisdiction over this action because Defendant resides in Pennsylvania and the acts or omissions giving rise to Plaintiffs' claims occurred in this District.

19. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Defendant Twin Valley School District resides in this District, and a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

## FACTUAL BACKGROUND

### A. Some Students, Staff, and Community Members Start Campaign to Retire the Raider.

20. Since the 1960s, the Twin Valley School District's mascot has been "the Raider," represented by various stereotypical images of an indigenous or "Native" American figure.



21. Prior iterations of the mascot even incorporated hatchets in the image of the indigenous figure.



22. Some students and community members find the Raider mascot deeply offensive because it appropriates the image of an indigenous person as a symbol for a mostly non-indigenous school district and stereotypically associates indigenous culture with violence.

23. Because of these concerns, in June 2020, Twin Valley High School student Arden Wolfe led a group of students who began contacting Twin Valley School Board (“Board”) members and school administrators to open a discussion about changing the mascot and/or the name “Raider.”

24. Initially, Arden sought to have the high school participate in “No Place for Hate,” a student-led diversity-and-inclusion program created by the Anti-Defamation League and tailored to each school’s needs and cultural climate.

25. Arden wanted to use “No Place for Hate” to educate the students and community members about indigenous culture in the hopes that it would persuade them to change the mascot.

26. In June 2020, Arden contacted the Board about the initiative.

27. The Board directed Arden to speak to high school administrators first before raising the students’ concerns to the Board.

28. Arden emailed high school Principal William Clements about the “No Place for Hate” program, asked him to submit a School Intent Form that would allow the high school to participate in the “No Place for Hate” program, and informed him that more than thirty students had already expressed interest in joining the steering committee for the program.

29. In July 2020, after repeated attempted communications from Arden, Principal Clements refused to submit the School Intent Form for “No Place for Hate,” stating that “we are going to focus our efforts on supporting” a different, ill-defined diversity initiative led by the Student Council while allowing the Student Council a full school year “to review the merits” of “No Place for Hate.”

30. This decision effectively killed the “No Place for Hate” initiative.

31. Arden and several of her classmates then decided to challenge the Raider mascot more directly by (a) raising the mascot issue directly with the Board throughout the 2020–21 and 2021–22 school years, and (b) trying to start a new club, called “Retire the Raider,” at the high school to discuss and promote the students’ efforts to change the school’s mascot and address cultural appropriation more generally.

32. Throughout the 2020–21 and 2021–22 school years, the Board and District administration rebuffed repeated efforts by Arden and other students to discuss their concerns about the Raider mascot or establish a student club for the purposes of furthering this discussion.

33. When Arden graduated in 2022, her younger sister, Sloane Wolfe, entered Twin Valley High School as a ninth grader and took over Arden’s efforts to get official club recognition for Retire the Raider and end the use of the mascot.

34. From the start, the Wolfe sisters’ attempts to retire the Raider were controversial, generating both supporters and detractors inside and outside of the school district.

35. The Wolfe sisters were frequent participants at Board meetings, and they and their supporters repeatedly urged the Board to put the mascot issue on its official agenda.

36. Sloane has spoken about retiring the Raider during the public comment periods at more than forty Board meetings.

37. Her older sister Arden and dozens of other students and community members have also attended and spoke about retiring the Raider during the public comment periods at Board meetings.

38. As just one example, during the public comment period of a July 13, 2020, Board meeting, a Twin Valley alumnus spoke out against the mascot, stating that it is “offensive and perpetuate[s] hate and racism.”

39. Additionally, in an email to Arden about the July 13, 2020, Board meeting, Faculty Member 1<sup>1</sup> also expressed their support for retiring the Raider, stating that “[t]he President of the board deflected the concern back to high school administration. I’m wondering if this was something we could attempt to change? Maybe start an online petition?”

40. Another student, J.B., had in fact started an online petition to retire the Raider.

41. Over the course of three years, Retire the Raider generated support both inside and outside Twin Valley School District.

42. On February 22, 2022, Pennsylvania Representative Christopher Rabb attended and spoke in support of Retire the Raider during the Board’s public comment period.

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<sup>1</sup> In light of past threats of retaliation against faculty members who have supported Retire the Raider, Plaintiffs are not disclosing the name of Faculty Member 1 at this time. Plaintiffs will move for a protective order addressing the terms under which Faculty Member 1’s identity will be disclosed to opposing counsel.

43. But Retire the Raider's message also faced significant pushback and even vitriol, including from school faculty and administrators.

44. For example, some members of the community occasionally used the public comment period of Board meetings to speak in favor of "preserving" the Raider.

45. Other members of the community created social media pages to smear the Wolfes. For instance, Michelle Raymond, who is now a member of the Twin Valley School Board, was the administrator of the Facebook group, "Save the Raider," in which several disparaging comments about the Wolfes were posted.

46. A farcical online petition was even created to expel J.B. from Twin Valley High School.

47. Worse, others used these groups to threaten the Wolfes. These online threats led to real-life action: On at least one occasion, someone followed the Wolfes' car home at night after a Board meeting.

48. At school, students often tore down or vandalized Retire the Raider posters.

49. Meanwhile, the Board stonewalled the Wolfes.

50. Despite students and community members speaking out against the mascot at Board meetings almost monthly for the past three years, the Board has refused to put the issue on its official agenda for discussion to this day.

51. The Board has also refused to respond to comments about the mascot during the public comment periods, asserting that "the law does not permit" it to do so.

52. The Board has, however, responded to statements on other topics made during the public comment period.



53. And at least one Board member has made comments supporting “preserving” the Raider during the Board’s post-comment discussions.

**B. Officially Recognized Student Clubs Receive Numerous Privileges.**

54. It is within this controversial atmosphere that the Wolfe sisters have fought unsuccessfully for three years to have their Retire the Raider group recognized as an official Twin Valley High School student club.

55. Officially recognized student clubs receive a host of privileges not ordinarily provided to other student groups and informal associations.

56. For example, only officially recognized student clubs appear in the list of clubs available on the school’s website.

57. Officially recognized student clubs are permitted to hold regular meetings in school facilities.

58. Although other student groups are sometimes permitted to use school facilities for their meetings, they are not always permitted to do so, as explained below. *See Part D, infra.*

59. Moreover, only officially recognized student clubs are allowed to meet during “flex” time, which occurs during school hours.

60. Officially recognized student clubs are also permitted to advertise on a large, spacious wall within the high school where students expect to find information about clubs and events.

61. By contrast, other student groups who wish to distribute messages are relegated to a much smaller, less prominent wall near the entrance of the school.

62. Only officially recognized student clubs are included in the club list on the community surveys sent out to students and parents in the Fall.

63. Only officially recognized student clubs are eligible to receive Twin Valley Community Education grants.

64. Only official clubs can have a student activity account to raise and manage funds under school policy.

**C. The District Refuses to Recognize Retire the Raider as a Student Club Because of the Lack of a “Willing” Faculty Advisor.**

65. Arden first attempted to start a student club designed to promote the adoption of a new school mascot in summer 2020.

66. Although there is no district policy setting forth the requirements for a student club to receive official recognition and the associated benefits, the District’s website states: “Students interested in starting new clubs at Twin Valley High School should adhere to the following process: (1) Identify a faculty or staff member willing to serve as the advisor. (2) Complete a ‘Request to Meet With an Administrator’ form in the High School Office. Note the name of the proposed club under ‘Reason for meeting’. (3) Meet with the principal to request approval to move forward. (4) If approved, advertise the first meeting with a flyer authorized by the advisor.” *Student Activities*, TWIN VALLEY HIGH SCHOOL, (Nov. 14, 2023 2:19 PM) <https://sites.google.com/tvsd.info/tvhs-activities/home>.

67. Arden Wolfe reached out to a faculty member in June 2020 to serve as advisor to the club.

68. In July 2020, Faculty Member 1 told Arden Wolfe, “If you are in need of a faculty member to assist you and offer a room for you to hold meetings during flex, I happily offer my assistance.”

69. Faculty Member 1 reiterated their willingness to serve as advisor to the club in August 2020, stating “If it can be its own club, like I said, I’d be happy to advise it or do whatever you need.”

70. By October 2020, however, Faculty Member 1 changed their mind—not because they no longer wanted to advise Retire the Raider, but because “*Mr. Clements told me that he doesn’t want staff involved in the initiative.*”

71. Since then, no other willing faculty member has come forward to serve in the advisor role, and at least two other faculty members have specifically declined student requests to advise Retire the Raider because they were told by a superior not to get involved and were afraid of retaliation.

72. Despite Arden’s and Sloane’s persistent efforts, the District has repeatedly refused to officially recognize Retire the Raider as a student club, purportedly because it has been unable to recruit a faculty advisor.

73. As a result of the District’s refusal to officially recognize it as a student club, Retire the Raider has been denied the following benefits and privileges accorded to other noncurriculum-related student clubs:

- The ability to hold regular meetings at school, including during “flex” time, which is part of the school day.
- The ability to post flyers in the same manner as officially recognized student clubs.
- Inclusion on the Twin Valley High School Student Activities page on the District’s website, which lists and links to information about other

noncurriculum-related clubs, including a Christian student club, the E-sports student club, the ski club, and fundraising clubs.

*Student Activities*, TWIN VALLEY HIGH SCHOOL, (Nov. 14, 2023 2:19 PM)

<https://sites.google.com/tvsd.info/tvhs-activities/home>.

- Inclusion on the list of clubs in the community surveys provided to parents and students.
- Access to certain financial benefits, including a school-managed student activity account and Twin Valley Community Education grants.

74. On January 24, 2022, counsel for the Wolfes sent a letter to the District explaining that its refusal to officially recognize Retire the Raider as a student club violated the First Amendment and Equal Access Act. The January 24 letter is attached as Exhibit 1.

75. The District’s solicitor responded on February 4, 2022, stating that “students may form a Retire the Raider student club once they recruit a faculty advisor, as required of all school clubs.” The District’s February 4 letter is attached as Exhibit 2.

76. Counsel for the Wolfes responded to the solicitor’s letter on March 11, 2022, explaining that the EAA does not permit the District to condition approval of a student-run club on the presence of a “willing” faculty advisor.

77. The District has nonetheless refused to appoint a faculty advisor for the club based on its assertion that it cannot require a member of the collective bargaining unit to take on extra work beyond their contractual work day.

78. The District ultimately offered to assign an administrator to supervise up to four club meetings per school year, on a quarterly basis, if two or more students participate.

79. But the District has refused to recognize Retire the Raider as an official student club in the absence of a “willing” faculty advisor.

80. Additionally, the assigned administrator, Principal Clements, has not made himself reasonably available for quarterly meetings as promised.

81. The District’s counsel via email on June 9, 2023 suggested a District employee who might be willing to serve as Retire the Raider’s faculty advisor.

82. Sloane contacted that employee to ask if they would be interested in being Retire the Raider’s club advisor.

83. That employee works at Twin Valley Middle School, which is in a different building and on a different schedule than Twin Valley High School.

84. Due to the different school locations and schedules, the employee would be unable to supervise Retire the Raider activities during the school day, such as during lunch or during flex time.

85. The employee, therefore, declined Sloane’s invitation for the employee to serve as Retire the Raider’s faculty advisor.

86. According to the District, a faculty advisor is necessary for three reasons: Managing a club’s email address and outside correspondence; managing money and spending; and locking up district facilities after meetings.

87. Specifically, the District has said that an adult must be in charge of student clubs’ public-facing email accounts.

88. The Twin Valley High School Activities webpage lists 43 activities.

89. None have an email address listed. Instead, they include a link stating “Please click here to initiate contact with a club/activity advisor.” The link is to a Google form. *Student*

*Activities*, TWIN VALLEY HIGH SCHOOL, (Nov. 14, 2023 2:19 PM)  
<https://sites.google.com/tvsd.info/tvhs-activities/home>.

90. Some activities do not list faculty advisors on the webpage. No faculty advisor is listed for Athletics, Open Lifting Schedule, or Peer Intervention.

91. For the remaining 40 activities, three list an advisor who does not appear in any of the staff directories on the District's website.

92. Based on the staff directories on the District's website, each of the remaining 37 activities listed on the Twin Valley High School Activities webpage has an advisor who works at Twin Valley High School. Some student clubs have multiple advisors listed.

93. Counsel for Plaintiffs reached out to the District's solicitor via letter again on October 5, 2023, to ask that the District extend the same access and benefits to Retire the Raider that it provides to other noncurriculum-related clubs and cease enforcing the faculty advisor requirement for student clubs.

94. The District, by letter dated October 13, 2023, refused Plaintiffs' requests.

## **CLAIM I**

### **Violation of the First Amendment to the U.S. Constitution**

95. Plaintiffs incorporate the preceding allegations as though fully set forth herein.

96. The District has intentionally created a forum that allows student clubs to use school facilities to hold meetings and advertise club-related information.

97. The District's refusal to allow Retire the Raider the same access to the forum as other student clubs is based on the viewpoint and content of Retire the Raider's speech.

98. Specifically, the District, by chilling staff and faculty members from providing support to the club, has made it impossible for Retire the Raider to meet the District's requirement that student clubs secure a willing faculty advisor to access the forum.

99. The District's requirement that student clubs find a willing faculty advisor to receive official recognition and its concomitant benefits discriminates against clubs expressing unpopular or controversial viewpoints.

100. The District's refusal to allow Retire the Raider the same access to the forum as other student clubs serves no rational, legitimate, significant, or compelling governmental interest.

## **CLAIM II**

### **Violation of the Equal Access Act, 20 U.S.C. § 4071 *et seq.***

101. Plaintiffs incorporate the preceding allegations as though fully set forth herein.

102. The District has created a limited open forum at Twin Valley High School for student clubs because it has officially recognized noncurriculum-related school clubs and allows those clubs to meet on school premises during noninstructional time.

103. The District has denied Retire the Raider equal access to the school's limited open forum by denying it benefits available to other clubs, including but not limited to:

- a. the ability to have regular meetings;
- b. the ability to meet during flex time;
- c. the ability to advertise and recruit members on equal footing with other clubs;
- d. being listed on the Twin Valley High School Activities webpage;
- e. the ability to have a school-managed student activity account; and
- f. the ability to apply for Twin Valley Community Education grants.

104. The District's requirement that Retire the Raider secure a willing faculty advisor in order to hold meetings on the same terms as other noncurriculum-related groups constitutes discrimination on the basis of the content of the meetings, in violation of the EAA.

105. The District's requirement that only student clubs with a willing faculty advisor are allowed access to the limited open forum violates the EAA by discriminating against student clubs with controversial or unpopular viewpoints.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully ask this Court to:

- a) declare that Defendant's refusal to provide Retire the Raider with the same access to school facilities as other noncurriculum-related student groups violates the free-speech clause of the First Amendment and the federal Equal Access Act;
- b) preliminarily, and thereafter permanently, enjoin Defendant and its officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them from continuing to unlawfully deny Retire the Raider the same access to District facilities that other noncurriculum-related student clubs enjoy;
- c) award Plaintiffs damages in an amount to be determined at trial;
- d) award Plaintiffs attorneys' fees and costs; and
- e) grant such other relief as the Court may deem just and equitable.



Dated: November 15, 2023

/s/ Richard T. Ting

Richard T. Ting (PA No. 200438)

/s/ Sara J. Rose

Sara J. Rose (PA No. 204936)

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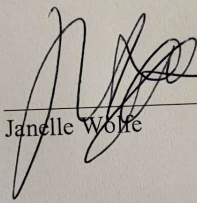
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*Attorneys for Plaintiffs*

**VERIFICATION**

I declare under penalty of perjury under the laws of the United States of America that the factual allegations in the foregoing Verified Complaint are true and correct.

Executed on: 11/13/23

  
\_\_\_\_\_  
Janelle Wolfe