

## **EXHIBIT 2**



1235 Penn Avenue, Suite 202, Wyomissing, PA 19610  
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February 4, 2022

BY EMAIL AND FIRST CLASS MAIL

Stephen Loney, Senior Supervising Attorney  
Connor Hayes, Legal Fellow  
ACLU of Pennsylvania  
Eastern Region Office  
PO Box 60173  
Philadelphia, PA 19102

Re: Your Letter of January 28, 2022

Dear Attorneys Loney and Hayes:

I write in response to your letter of January 28, 2022 to Superintendent Patrick Winters and Principal William Clements of the Twin Valley School District (hereinafter "the District"). First and foremost, the District denies that it has prevented students from forming Retire the Raider and No Place for Hate Clubs or that it has "repeatedly threatened" students with discipline for engaging in protected speech. The District has never prevented activism or punished a student for it.

Regarding the requests made in the final paragraph of your letter, the School District's position is as follows:

1. Students may form a Retire the Raider student club once they recruit a faculty adviser, as is required of all school clubs. The District has not prohibited any teacher from serving as a faculty adviser to the Retire the Raider Club.

If Arden and Sloane can identify a candidate, any faculty member is free to participate. To the best of my knowledge, no faculty member has been approached to serve as an advisor for the Retire the Raider effort for more than a year. Moreover, I could identify only one faculty member who had been asked for support at any time. I certainly hope that the ACLU would encourage its clients to try recruitment prior to filing for injunctive relief.

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Note that the Retire the Raider organization, which sent a mass email to High School constituencies from Arden's email account on October 5, 2020, specifically identified itself as unaffiliated with the District and consisting of not only students but of community members and tribal affiliates (See Attached). The District is required to follow state and federal law regarding background checks for adult volunteers who visit campus and regarding access to students' personally identifiable information, including addresses. If a prospective Retire the Raider Club is affiliated with the Retire the Raider community organization, it is particularly important that a faculty adviser is in place to make sure that the club observes laws aimed at protecting students' safety and privacy.

2. As you likely know, No Place for Hate is a program offered by the Anti-Defamation League (ADL). A quick review of the ADL website indicates that the program is envisioned as a school-wide initiative that involves students, faculty, staff, and family members, and is focused on improving the school climate.

The ADL recommends that as a first step in implementing the program students form a committee that includes adult community members. It is unclear how the proposed club described in your letter fits into the ADL's recommended framework and process for starting a No Place for Hate initiative. It is not my impression that No Place for Hate is a club that students can join, so much as a school-wide initiative that requires interest and investment from different stakeholders.

The District's Student Council had discussed during the 2020-2021 school year whether the ADL's program was best suited to provide support for students and community members in the Twin Valley School District, or whether a homegrown effort at promoting discourse and reflection around diversity would be more effective. The Student Council declined to pursue No Place for Hate affiliation. Although this result may be disappointing to Arden and Sloane, it is not a First Amendment violation.

3. No students are permitted to comment on the District's social media accounts. The District has chosen not to create a public forum online.
4. There are no "speech-related infractions" in Arden's disciplinary file to be expunged. Arden used MailChimp, a third-party vendor, to send the attached email to all or most of the Twin Valley High School community. Use of a third-party vendor to send messages is a violation of the District's acceptable use policy, as the District does not wish to allow students to spam large groups of District email addresses. Arden received a warning not to send bulk email via MailChimp again but was not disciplined. The District's bar on MailChimp and similar services is an appropriate and legal time, place, and manner restriction on speech.

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I would be happy to discuss these matters with you further; litigation is not warranted. In the meantime, I have enclosed the paperwork that Arden and Sloane must complete to register a Retire the Raider Club. Please ask them to request a meeting with Mr. Clements, along with their proposed faculty advisor.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Leah Rotenberg', written in a cursive style.

Leah Rotenberg, Esquire  
Solicitor  
Twin Valley School District

Enclosures

cc: Dr. Patrick Winters  
Mr. William Clements

## WILLIAM CLEMENTS

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**From:** WILLIAM CLEMENTS  
**Sent:** Monday, October 5, 2020 12:39 PM  
**To:** MATTHEW BARBER  
**Subject:** FW: Retire the Raider.

----- Forwarded message -----

**From:** Retire the Raider <22awolfe@tvsd.info>  
**Date:** Mon, Oct 5, 2020 at 7:41 AM  
**Subject:** Retire the Raider.  
**To:** <xx@tvsd.info>



## It's time to Retire the Raider.

Are you offended by the "Raider"? Or do you think it is a piece of Twin Valley's history? If you're thinking of the future where culture is not a costume, consider joining the movement to retire the Twin Valley school mascot. We are a group of student leaders, community members, and tribal affiliates dedicated to ending Native American cultural appropriation. In this club, you'll learn how racism has become normalized in our society and why mascot symbols are offensive to indigenous people. We will be working closely with different tribes around the world, including the Oglala Sioux Tribe to learn about how we can do our part to put an end to the cultural appropriation at our school. This club is NOT affiliated with Twin Valley School District, so we will not hold meetings inside of the school during school hours. Nonetheless, we can be the change and Retire the Raider.

If you are interested in joining the movement, please complete [this Google Form](#). If you have any questions or comments, please email [retiretheraider@gmail.com](mailto:retiretheraider@gmail.com).

*Together, we can Retire the Raider.*

**JOIN THE MOVEMENT TODAY**

Follow us on all social media platforms @RetireTheRaider.



*RETIRE THE RAIDER*

Elverson, Pennsylvania

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## REQUEST TO MEET WITH AN ADMINISTRATOR

Today's Date: \_\_\_\_\_ My Name/Grade: \_\_\_\_\_

I would like to meet with:

\_\_\_\_\_ Mr. Clements, Principal

\_\_\_\_\_ Mr. Barber, Assistant Principal

\_\_\_\_\_ Dr. Edwards, Assistant Principal

\_\_\_\_\_ Mr. Guiseppe, Athletic/Activities Director

Reason for meeting: \_\_\_\_\_