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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

R.S., a minor, by and through her  
mother, S.S., individually and on behalf  
of her daughter,

Court File No. \_\_\_\_\_

Plaintiffs,

vs.

MINNEWASKA AREA SCHOOL  
DISTRICT NO. 2149; GREGORY  
OHL, Minnewaska School District  
Superintendent, in his individual and  
official capacities; MARY WALSH,  
Minnewaska Middle School Counselor,  
in her individual and official capacities;  
JANE DOE, in her individual and  
official capacities; COUNTY OF  
POPE; PAUL GERDE, Pope County  
Board Chair, in his official capacity;  
TIMOTHY P. RILEY, Pope County  
Sheriff, in his individual and official  
capacities; GILBERT MITCHELL,  
Pope County Deputy Sheriff, in his  
individual and official capacities,

**COMPLAINT**

**(Plaintiffs Demand Trial by Jury)**

Defendants.

For their Complaint, Plaintiffs R.S. and her mother S.S. (collectively "Plaintiffs")

state:

**INTRODUCTION**

1. This is an action to obtain damages, declaratory relief, and injunctive relief for violations of R.S.'s Constitutional Rights. The School District Defendants have violated R.S.'s First Amendment right to free speech by imposing school discipline for

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non-threatening, non-obscene, off-campus, Facebook speech having no connection to Minnewaska Area Middle School other than its content: a typical young girl's comment that she "hated" a school hall monitor who had been "mean" to her. The School District Defendants have overreached by punishing R.S. for off-campus speech with no evidence that R.S.'s speech was reasonably likely to cause a material and substantial disruption of on-campus educational activities.

2. In a separate, subsequent incident, Defendants violated R.S.'s First Amendment right to free speech and Fourth Amendment right to be free from unreasonable searches and seizures by forcing R.S. to provide her Facebook and e-mail passwords and then searching R.S.'s private, off-campus communications made outside of school hours and without the use of school computers or school internet. Defendants had no warrant and no justification for their unreasonable search and seizure of R.S. and invasion of her privacy.

3. Defendants should not be permitted to continue to trample the constitutional rights of the students in the District. Students like R.S. do not shed their constitutional rights at the schoolhouse gate. Plaintiffs seek injunctive and declaratory relief to prevent future violations of students' constitutional rights, as well as damages.

#### **PARTIES**

4. During all relevant time periods, Plaintiff R.S. was a twelve-year-old student at Minnewaska Area Middle School in the Minnewaska Area School District in Glenwood, Minnesota.

5. Plaintiff S.S. is R.S.'s mother. S.S. brings this action individually and on behalf of her minor daughter, R.S.

6. Defendant Minnewaska Area School District No. 2149 ("the District") is a municipality under Minnesota law. The District manages and oversees several public schools in Pope County, Minnesota, including Minnewaska Area Middle School. The District employs and supervises various employees, including Defendants Gregory Ohl, Mary Walsh, and Jane Doe. The District is responsible for implementing district-wide policies and procedures, and for training its employees. The District maintains its administrative offices at 25122 State Highway 28, Glenwood, MN 56334.

7. Defendant Gregory Ohl ("Superintendent Ohl") is, and at all relevant times hereafter mentioned was, the Superintendent of the District. Superintendent Ohl has at all times hereafter mentioned acted under color of state law. In his capacity as district superintendent, Ohl's responsibilities include ensuring that the District and its officials act in conformity with the United States Constitution and applicable federal and state laws. He is named as a defendant in both his individual and official capacities.

8. Defendant Mary Walsh ("Counselor Walsh") is, and at all relevant times hereafter mentioned was, a guidance counselor employed by the District. Counselor Walsh has at all times hereafter mentioned acted under color of state law. Counselor Walsh is named as a defendant in both her individual and official capacities.

9. Defendant Jane Doe ("Jane Doe") is, and at all relevant times hereafter mentioned was, an employee of the District. Jane Doe has at all times hereafter

mentioned acted under color of state law. Jane Doe was present when Deputy Mitchell and Counselor Walsh questioned R.S. on or about March 10, 2011. Jane Doe is named as a defendant in both her individual and official capacities. Defendants the District, Superintendent Ohl, Counselor Walsh, and Jane Doe are collectively referred to in this Complaint as “the School District Defendants.”

10. Defendant Pope County is a municipality under Minnesota law. Pope County maintains its administrative offices at 130 East Minnesota Avenue, Glenwood, MN 56334.

11. Defendant Paul Gerde (“Chair Gerde”) is the Chair of the Pope County Board of Commissioners. In his capacity as the Pope County Board Chair, Chair Gerde’s responsibilities include ensuring that Pope County and its officials act in conformity with the United States Constitution and applicable federal and state laws. Gordy Wagner was Chair Gerde’s predecessor and had these responsibilities prior to the appointment of Chair Gerde. Chair Gerde is named as a defendant in his official capacity. Allegations throughout this Complaint describing the actions of the Defendants should not be construed to include Chair Gerde because he was not Chair of the Pope County Board at the time of the incidents alleged herein.

12. Defendant Timothy P. Riley (“Sheriff Riley”) is, and at all relevant times hereafter mentioned was, the Pope County Sheriff. As such, Sheriff Riley’s responsibilities include ensuring that Pope County Sheriff deputies act in conformity with

the United States Constitution and applicable federal and state laws. Sheriff Riley is named as a defendant in both his individual and official capacities.

13. Defendant Gilbert Mitchell (“Deputy Mitchell”) is, and at all relevant times hereafter mentioned was, the Pope County Deputy Sheriff permanently stationed at Minnewaska Area Middle School and High School as a School Resource Officer. Deputy Mitchell is named as a defendant in both his individual and official capacities. Defendants Pope County, Chair Gerde, Sheriff Riley, and Deputy Mitchell are collectively referred to in this Complaint as “the County Defendants.”

#### **JURISDICTION AND VENUE**

14. This action seeks to vindicate rights protected by the First, Fourth, and Fourteenth Amendments to the United States Constitution. Plaintiffs’ federal claims are brought under 42 U.S.C. § 1983. Jurisdiction over this civil rights action is proper under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3). This Court has jurisdiction under 28 U.S.C. §§ 2201 & 2202 to declare the rights of the parties and grant all further relief found necessary and proper.

15. The Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiffs’ related state law claims, which are so related to Plaintiffs’ federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

16. Venue over this action is proper in the District of Minnesota under 28 U.S.C. § 1391(b) because the Defendants reside in the District of Minnesota and because

a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in the District of Minnesota.

## **FACTS**

### ***Background***

17. At the start of the 2010-2011 school year, R.S. was twelve years old, and going into the 6th grade. Before the start of the school year, R.S. had moved with her mother to Glenwood, Minnesota, which is located in rural Minnesota close to Alexandria. The 2010-2011 school year was R.S.'s first year at Minnewaska Area Middle School.

18. Like many twelve-year-old girls, R.S. had a Facebook account that she used to communicate with friends, meet new friends, post pictures, and share ideas. R.S. made posts to her Facebook "wall," which is a type of message board that is generally visible to a Facebook user's Facebook "friends" but not to anyone whom the user has not accepted as a "friend." R.S. also used Facebook to communicate privately with friends via Facebook "messaging," which is like email. Facebook messaging is not viewable by any user not designated as a recipient of the private communication. R.S. also used Facebook to communicate via Facebook "chatting," which is a form of instant messaging in which users communicate back and forth contemporaneously.

### ***The Unconstitutional Discipline of R.S. for Off-Campus, Facebook Speech***

19. At Minnewaska Area Middle School, adults monitor the halls during passing periods. R.S. felt that one particular hall monitor kept picking on her. In early 2011, R.S. made a post on her Facebook wall that stated that she hated an individual

identified as “Kathy.” Her actual post was that she hated a Kathy person at school because she was mean to me. R.S. intended for her Facebook friends only to view the post concerning a school hall monitor.

20. R.S.’s Facebook speech was purely off-campus speech. R.S. did not use a school computer to make her post. R.S. did not use a school-provided account, and she did not use the school’s internet. R.S. also did not make the Facebook post during school hours. The only connection between R.S.’s speech and Minnewaska Area Middle School was that the speech was about a school hall monitor.

21. After R.S. made her Facebook post about the hall monitor, the Minnewaska Area Middle School principal Pat Falk (“Principal Falk”) called R.S. into his office to talk to R.S. about that post. Principal Falk had somehow obtained a screenshot of R.S.’s Facebook post.

22. After R.S.’s meeting with Principal Falk, Minnewaska Area Middle School claimed that twelve-year-old R.S.’s off-campus, Facebook statement that she hated the adult hall monitor constituted bullying. The school did not claim that R.S.’s off-campus, Facebook speech was threatening, obscene, or materially and substantially disrupted classroom activities in any way. Moreover, the school had no evidence that R.S. used a school computer or school internet to make the Facebook post.

23. Minnewaska Area Middle School disciplined R.S. for her off-campus, Facebook speech, calling it “inappropriate.” The school’s disciplinary notice states that

R.S. would receive a detention for being “rude/discourteous” and for “other.” The school also forced R.S. to write an apology to the adult hall monitor.

24. A couple of days later, S.S., her mother and a friend visited the Minnewaska Area Middle School principal and asked to meet with the hall monitor to determine the nature of the conflict between her and R.S. The principal refused to let them talk with the hall monitor and, instead, summoned R.S. to the school office to meet with S.S. and her companions, along with the principal and two other adults from the school.

25. Following this meeting, the school disciplined R.S. again, this time for allegedly posting another “inappropriate comment”: After she was disciplined for her comment about the school hall monitor, she put up a Facebook post that said, “I want to know who the f%\$# told on me.” The school’s disciplinary records state that R.S. was being disciplined for “insubordination” and “dangerous, harmful, and nuisance substances and articles.” The school disciplined R.S. by giving her a one-day, in-school suspension, and by prohibiting R.S. from attending her class ski trip.

26. The District policies on which the Minnewaska Area Middle School based its disciplinary action violate the First Amendment to the United States Constitution and Article I, Section 3 of the Minnesota Constitution, and are unconstitutionally vague and overbroad.



*Unreasonable Search and Seizure of R.S. and Invasion of Her Privacy*

27. On or about the morning of March 10, 2011, the Minnewaska Area Middle School received a call from a student's guardian, apparently complaining that her son was communicating via his computer with R.S. about sex.

28. A female school employee called S.S. that morning. During their conversation, the employee told S.S. that a parent of a boy had contacted the school and reported that the boy and R.S. were communicating about sex on their computers. The school employee also reported that the boy admitted to starting the sex conversation. The school employee did not tell S.S. that she intended to check R.S.'s Facebook or email accounts and did not request permission to do so.

29. Later in the day, Counselor Walsh called R.S. out of class to ask her about the supposed conversations about sex. R.S. told Counselor Walsh that she had been talking about naughty things with her classmate. These communications occurred outside of school, outside of school hours, and did not involve the school's computers or internet service. Counselor Walsh let R.S. return to class.

30. Later, R.S. was called out of class a second time. She was taken to a small room in the school's administrative office. R.S. was surprised and intimidated to see Deputy Mitchell there, in uniform and wearing a taser. Counselor Walsh and Jane Doe, a school office employee, were also there. R.S. was asked about her private, off-campus communications with her classmate. In response to the questioning, R.S. told Deputy Mitchell, Counselor Walsh and Jane Doe that she had been talking about naughty things.

31. Deputy Mitchell, Counselor Walsh and Jane Doe had no reasonable, individualized suspicion—much less evidence—that R.S. had broken the law or school rules or that her private, off-campus, after school hours, communication with her classmate was likely to create a material and substantial disruption of classroom activities or schoolwork at Minnewaska Area Middle School.

32. Nevertheless, Deputy Mitchell, Counselor Walsh, and Jane Doe demanded that R.S. give them her email and Facebook login information and passwords. Twelve-year-old R.S. was extremely nervous about being called out of class and being interrogated. R.S. had trouble remembering her email address, and told Deputy Mitchell, Counselor Walsh and Jane Doe that she could not remember her email and Facebook information.

33. Jane Doe, the school office employee who was present, called R.S. a liar. Counselor Walsh threatened R.S. with detention if she did not give the three adults her email and Facebook login information and passwords. R.S. was intimidated, particularly by the presence of Deputy Mitchell. She had no choice, and eventually, she involuntarily gave the group her login information.

34. Even though R.S.'s communications were made off-campus, and Deputy Mitchell, Counselor Walsh, and Jane Doe had no evidence that R.S. had used a school computer or school internet to communicate, supposedly about sex, with her classmate, Counselor Walsh and Jane Doe logged into R.S.'s Facebook account, apparently using Deputy Mitchell's computer.

35. R.S. was in the room when school officials started searching her private accounts, but she could not see the computer or control what the three adults were viewing. It was clear the group searched R.S.'s Facebook account, but the group may have searched R.S.'s email as well, even though the parent complaint that allegedly prompted R.S.'s detention and the search was about private communication that took place over Facebook, not email.

36. No one asked R.S. for permission to log into her Facebook account. No one asked S.S. for permission to log into R.S.'s Facebook account. In fact, no one even called S.S. to tell her what they were about to do. Had anyone bothered to ask, S.S. would not have given school officials permission to search through R.S.'s private Facebook account, just as S.S. would not have given school officials permission to search R.S.'s private letters or diary simply because they thought that R.S. may have been talking about sexual subjects with a boy outside of school.

37. Deputy Mitchell and School officials did not have a warrant to search R.S.'s private accounts for speech and communications made off-campus, outside of school hours, and without a school computer. Upon information and belief, the group did not consult District policies and procedures, Principal Falk, or anyone else before detaining R.S., interrogating her, and searching her Facebook account.

38. Deputy Mitchell, Counselor Walsh, and Jane Doe spent about fifteen minutes intrusively searching R.S.'s Facebook account, looking for R.S.'s supposed sex conversations with her classmate. The group did not restrict its search to content that

would be viewable by R.S.'s Facebook friends, but instead searched through R.S.'s entire account, including her private communications.

39. During the search, the group members took notes and discussed what they saw in R.S.'s private Facebook account. While R.S. was in the room, they expressed surprise that R.S. had sworn in her communications and asked her why she had used a swear word. The group also expressed surprise that R.S. had taken one or more online Facebook "fun and funny" sex quizzes and had posted the results of some of those quizzes. R.S. continued to be detained and sat in the room humiliated while Deputy Mitchell, Counselor Walsh, and Jane Doe scoured her Facebook account and private information.

40. Counselor Walsh and Jane Doe did most of the actual searching of R.S.'s Facebook account. Deputy Mitchell viewed R.S.'s account for a shorter period of time. Deputy Mitchell paced and periodically left the room while Counselor Walsh and Jane Doe scavenged through R.S.'s private information. At one point, Deputy Mitchell left the room, but took no action to stop Counselor Walsh and Jane Doe from continuing to use his computer to intrude into R.S.'s private, off-campus communications and search R.S.'s Facebook account. The group acted in concert.

41. The search conducted by Deputy Mitchell, Counselor Walsh, and Jane Doe was not reasonably related to the objectives of their search, and was excessively intrusive in light of the nature of R.S.'s alleged infraction.

42. R.S. was intimidated, frightened, humiliated, and sobbing while she was detained in the small school room with Deputy Mitchell, Counselor Walsh and Jane Doe, the school office employee. None of the adults expressed concern for R.S. or asked her why she was crying.

43. At no time did anyone in the group ask R.S. whether she had communicated with her classmate about sexual subjects during school hours, using a school computer, or using school internet access. In fact, R.S. had used her own computer to communicate with her classmate at home after school hours.

44. After detaining R.S. and after completing their search, the group members allowed R.S. to return to class. Other than being subjected to the detention, interrogation, search, and their consequences, R.S. was not formally disciplined by the school as a result of the search of her Facebook account. There is no disciplinary notice in the files of the District or Minnewaska Area Middle School related to the incident.

45. Later in the day, after the group had detained R.S. and searched R.S.'s Facebook account, Counselor Walsh called R.S.'s mother and left a voicemail message. Counselor Walsh stated in the voicemail that a classmate's guardian had complained that the classmate and R.S. were talking about sexual subjects on Facebook. Counselor Walsh notified S.S. of the detention and search. Counselor Walsh did not apologize to S.S. in the message.

46. When R.S. came home from school on March 10, 2011, she was emotionally distraught. She was crying, depressed, angry, scared, and embarrassed as a

result of the interrogation and invasion of her privacy. R.S. was so upset and scared that she refused to go to school for two days. R.S. was afraid that the school would hack into her Facebook account again or that she would get detention.

47. R.S. fell behind on her schoolwork because she was too distressed to attend school. The school called S.S. and threatened truancy for R.S.'s school absences. S.S. explained that R.S. was too distraught and embarrassed to attend school. R.S. was not disciplined for her absences.

48. When R.S. finally returned to school, she felt different. She felt less safe. She had lost her sense of security. R.S. felt mad at Counselor Walsh, an adult she had previously trusted. R.S. used to assume that her private communications would stay private. Now R.S. fears that the school could make her give up her passwords at a moment's notice, at any time, for any reason. This has made R.S. hesitant to use her Facebook account and to text on her phone. R.S. also has lost faith and confidence in adults, including those who are providing her with guidance and counseling.

49. Upon information and belief and on the basis of communications with other students and families, officials at Minnewaska Area Middle School have compelled other students to disclose their private information and have accessed students' on-line accounts on multiple occasions, under circumstances similar to those alleged above.

50. None of the Defendants has apologized to R.S. or her mother S.S.

51. Plaintiffs have provided timely notice to the Defendants of their claims arising out of the allegations set forth above.

**CLAIMS**

**COUNT I**

***42 U.S.C. § 1983 – School District Defendants’  
Violation of the First Amendment to the United States Constitution***

52. Plaintiffs reallege and incorporate the foregoing allegations.

53. R.S.’s Facebook posts and private, off-campus communication with her classmate constitute speech protected by the First Amendment to the United States Constitution, as applied to the states through the Due Process Clause of the Fourteenth Amendment.

54. The School District Defendants disciplined R.S. for her speech.

55. The School District Defendants did not have a constitutionally justifiable reason to discipline R.S. for her speech.

56. Acting intentionally and under the color of state law, the School District Defendants have violated R.S.’s rights under the First Amendment to the United States Constitution by punishing R.S. for her constitutionally protected speech.

57. The School District Defendants have violated R.S.’s First Amendment rights as a result of a custom and pattern of practice of infringing on their students’ right to free speech.

58. As an actual and proximate result of the School District Defendants’ conduct, R.S. has been injured and has suffered damages.

## COUNT II

### *42 U.S.C. § 1983 – Defendants’ Violation of the Fourth Amendment to the United States Constitution*

59. Plaintiffs reallege and incorporate the foregoing allegations.

60. Defendants detained R.S. and searched R.S.’s private, off-campus Facebook communications.

61. Acting intentionally and under the color of state law, Defendants have violated R.S.’s rights under the Fourth Amendment to the United States Constitution, as applied to the states though the Due Process Clause of the Fourteenth Amendment, by unreasonably detaining R.S. and conducting an unreasonable search of R.S.’s Facebook account, including her private, off-campus communications, without constitutionally sufficient justification.

62. Upon information and belief, Defendants have violated R.S.’s Fourth Amendment rights as a result of a custom and pattern of practice of infringing on their students’ rights to be free from unreasonable searches and seizures.

63. As an actual and proximate result of Defendants’ conduct, R.S. has been injured and has suffered damages.

## COUNT III

### *42 U.S.C. §§ 1985 and 1986 – Conspiracy to Deprive Plaintiffs of Rights and Failure to Prevent Violation of Rights*

64. Plaintiffs reallege and incorporate the foregoing allegations.



65. The Defendants conspired together to deprive R.S. of her rights under the First and Fourth Amendments to the United States Constitution, as applied to the states through the Due Process Clause of the Fourteenth Amendment.

66. Deputy Mitchell, Counselor Walsh, and the school office employee Jane Doe engaged in overt acts in furtherance of the conspiracy by detaining R.S., forcing her to provide her Facebook login and password information, and scouring R.S.'s Facebook account for private, off-campus communications.

67. As an actual and proximate result of the overt actions of Deputy Mitchell, Counselor Walsh, and the school office employee Jane Doe, as well as their failure to prevent the violation of R.S.'s First and Fourth Amendment rights, R.S. was injured and has suffered damages.

#### COUNT IV

##### *Violation of Right to Free Speech Under Minnesota Constitution*

68. Plaintiffs reallege and incorporate the foregoing allegations.

69. Acting intentionally and under the color of state law, Defendants have violated R.S.'s right to "freely speak, write and publish [her] sentiments on all subjects" under Article I, Section 3 of the Minnesota Constitution.

70. As an actual and proximate result of Defendants' conduct, R.S. was injured and has suffered damages.

**COUNT V**

***Violation of Right to Be Free from Unreasonable Searches and Seizures Under Minnesota Constitution***

71. Plaintiffs reallege and incorporate the foregoing allegations.

72. Acting intentionally and under the color of state law, Defendants have deprived R.S. of her right to be free from unreasonable searches and seizures under Article I, Section 10, of the Minnesota Constitution.

73. As an actual and proximate result of Defendants' conduct, R.S. was injured and has suffered damages.

**COUNT VI**

***Invasion of Privacy Under Minnesota Common Law***

74. Plaintiffs reallege and incorporate the foregoing allegations.

75. All of the individual Defendants named in this Complaint are officers, employees, or agents of municipalities.

76. All acts of the individual Defendants alleged above were conducted within the scope of the Defendants' employment or duties.

77. Because the State of Minnesota has waived immunity with respect to the torts of the municipal employees and officers named as Defendants in this Complaint under Minn. Stat. § 466.02, and no exception to that waiver applies, sovereign immunity does not apply.

78. Plaintiffs have provided timely notice of their claims in compliance with Minn. Stat. § 466.05, subd. 1.

79. Acting under color of state law, Defendants intentionally interfered with the private affairs and concerns of R.S. by detaining R.S. and carrying out an invasive search of her private Facebook account, including her private, off-campus communications.

80. R.S. had a reasonable expectation of privacy in her private Facebook account, including her private, off-campus communications.

81. Defendants' intrusion occurred in a way that would be highly offensive to a reasonable person in R.S.'s position.

82. As a direct and proximate result of Defendants' conduct, R.S. was injured and has suffered damages.

## COUNT VII

### *Intentional Infliction of Emotional Distress Under Minnesota Common Law*

83. Plaintiffs reallege and incorporate the foregoing allegations.

84. All of the individual Defendants named in this Complaint are officers, employees, or agents of municipalities.

85. All acts of the individual Defendants alleged above were conducted within the scope of the Defendants' employment or duties.

86. Because the State of Minnesota has waived immunity with respect to the torts of the municipal employees and officers named as Defendants in this Complaint under Minn. Stat. § 466.02, and no exception to that waiver applies, sovereign immunity does not apply.

87. Plaintiffs have provided timely notice of their claims in compliance with Minn. Stat. § 466.05, subd. 1.

88. The intentional conduct of Defendants as set forth above and engaged in under color of state law was extreme and outrageous.

89. The conduct of Defendants was intentional and reckless.

90. The conduct of Defendants caused R.S. to experience severe emotional distress that no reasonable person could be expected to endure.

91. As a direct and proximate result of Defendants' conduct, R.S. was injured and has suffered damages.

## COUNT VIII

### *Declaratory Judgment*

92. Plaintiffs reallege and incorporate the foregoing allegations.

93. Defendants have violated R.S.'s constitutional rights.

94. Defendants deny that they have violated R.S.'s constitutional rights.

95. An actual and justiciable controversy exists between Plaintiffs and Defendants.

96. Plaintiffs are entitled to a judgment declaring that Defendants' conduct as set forth above violated R.S.'s constitutional rights to free speech and to be free from unreasonable search and seizure under the United States and Minnesota Constitutions.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that the Court order relief against the Defendants and in favor of Plaintiffs, as follows:

1. A declaration that Defendants' conduct as set forth above violated R.S.'s constitutional rights to free speech and to be free from unreasonable search and seizure under the United States and Minnesota Constitutions.

2. An order granting Plaintiffs judgment and an award of damages in an amount to be determined at trial.

3. Preliminary and permanent injunctive relief against Defendants, including relief:

- a. Restraining Defendants from further attempts to regulate, discipline, detain, or search students based on their constitutionally protected, off-campus speech made outside of school hours and without utilizing school computers, internet, or other school property.
- b. Enjoining Defendants from any continuing punishment or sanction against R.S. on account of her constitutionally protected speech and this lawsuit.
- c. Requiring Defendants to permanently implement new policies and procedures that safeguard the constitutional rights of the students in the Minnewaska Area School District by making clear that Defendants have no authority to regulate, discipline, detain, or search students based on their constitutionally protected, off-campus


speech made outside of school hours and without utilizing school computers, internet, or other school property.

- d. Ordering Defendants to permanently revise policies and procedures that facilitated the unconstitutional intrusion upon R.S.'s constitutional rights in order to safeguard the constitutional rights of students in the Minnewaska Area School District by making clear that Defendants have no authority to regulate, discipline, detain, or search students based on their constitutionally protected, off-campus speech made outside of school hours and without utilizing school computers, internet, or other school property.
  - e. Ordering Defendants to educate staff, teachers, parents, and students about the contents of revised or newly implemented policies and procedures designed to safeguard the constitutional rights of the students in the Minnewaska Area School District.
  - f. Ordering Defendants to apologize to Plaintiffs for their actions and omissions.
  - g. Ordering Defendants to expunge any documents related to the allegations in this Complaint from Defendants' records related to R.S.
4. Costs, disbursements, prejudgment interest, and post-judgment interest.

5. Experts' and attorneys' fees under 42 U.S.C. § 1988 and other applicable law.
6. Any and all further relief this Court deems just and equitable.

DATED: March 6, 2012

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