



177 Post Street, Suite 700  
San Francisco, CA 94108

Karin Sweigart  
Phone: 415.433.1700  
ksweigart@dhillonlaw.com

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**VIA EMAIL**

Dr. George Steinhoff  
Superintendent  
Penn-Delco School District  
2821 Concord Road  
Aston, PA 19014  
[gsteinhoff@pdsd.org](mailto:gsteinhoff@pdsd.org)

Mr. Ryan Buterbaugh  
Principal  
Northley Middle School  
2801 Concord Road  
Aston, PA 19014  
[rbuterbaugh@pdsd.org](mailto:rbuterbaugh@pdsd.org)

Dear Superintendent Steinhoff and Principal Buterbaugh,

I write on behalf of my clients, Northley Middle School student [REDACTED] (“Ms. [REDACTED]” her mother Liz Finnegan, and her father Edward Mongelluzzo. This letter concerns the failures of Northley Middle School (“Northley”) and the Penn-Delco School District (collectively, the “District”) to address harassment and threats made to Ms. [REDACTED] life by other District students. Please direct all future correspondence regarding this matter to me.

The District purports to value “safe and supportive schools” for its students,<sup>1</sup> but for the last year and a half the District has failed in that responsibility to Ms. [REDACTED] emboldening her bullies and leading to an escalation in the threats and harassment she is forced to endure. The District’s feckless response violates not only its own written policies, but state and federal law.

**FACTUAL BACKGROUND**

Ms. [REDACTED] is currently fourteen years old and an eighth grader at Northley Middle School. Ms. [REDACTED] has been [REDACTED] which sometimes results in difficulty communicating with her peers. As a result, Ms. [REDACTED] has dealt with discrimination, bullying, and harassment for much of her time in the Penn-Delco School District. Notably though, when facing difficulties at Coebourn Elementary School, Coebourn’s administrators were quick to investigate and discipline the students involved when appropriate. Coebourn Elementary School’s thoughtful, proactive, and safety-centered

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<sup>1</sup> <https://www.pdsd.org/domain/84>.

approach to handling these matters stands in stark contrast to what Ms. [REDACTED] has endured since matriculating at Northley Middle School.

When Ms. [REDACTED] was ten years old, another student, Chloe Graham (“Ms. Graham”), touched Ms. [REDACTED] in a sexual manner without Ms. [REDACTED] consent. The details of this situation are well known to the District, as this sexual assault was reported and investigated by the District. After Ms. [REDACTED] reported this sexual assault, Ms. Graham and her friends began a retaliatory campaign to punish Ms. [REDACTED] for speaking out. Ms. Graham’s group of friends, apparently acting at Ms. Graham’s instigation, began to taunt Ms. [REDACTED] with sexuality-based slurs in school such as “fag,” “tranny,” and “cock sucker.” The same students also bullied and harassed Ms. [REDACTED] for her disability, taunting her by calling her a “retard” and barking at her in the hallways and school sponsored events. Ms. [REDACTED] reported this harassment to Northley staff, but rather than addressing it, Northley ignored and downplayed the problems, refused to investigate, and allowed these students to continue unabated. Having seen that the harassing students faced no repercussions, the problem escalated to a wider group of the student body. More students joined in the bullying and harassment of Ms. [REDACTED] while at the same time, the threats and taunting become worse. Students began making violent threats to attack Ms. [REDACTED] and her family. Students also repeatedly told Ms. [REDACTED] she should go kill herself.

Northley’s failure to address these issues has both emboldened Ms. [REDACTED] harassers at school and caused a dramatic and disturbing escalation in the threats against Ms. [REDACTED] outside of school. Ms. Graham, a student named Layla Robinson (“Ms. Robinson”), and a student named Anabella (last name unknown) have been stalking Ms. [REDACTED] online. They used images and videos of Ms. [REDACTED] without her consent and created fake social media accounts to attack Ms. [REDACTED] and encourage other students to do the same. They coordinated their efforts at cyber bullying Ms. [REDACTED] through a private chat on the instant messaging application Discord. Ms. [REDACTED] family was able to get some of the accounts removed for violating platforms’ rules against harassment of a minor, but it is unclear how many other harassing videos and posts remain on the internet. After repeated phone calls to Ms. [REDACTED] cell phone in the middle of the night, Ms. Graham’s adult caretaker left a threatening voicemail on Ms. [REDACTED] cell phone in June 2022, menacing that she was going to “get” Ms. [REDACTED] and insinuating that she was stalking her with the intent to attack her.

To repeat, Ms. Graham’s adult guardian called a thirteen-year-old child’s phone repeatedly in the middle of the night and threatened her with violence on a recording. These actions have been reported to the District and local police.

More recently, the harassment and threats took a particularly frightening turn for Ms. [REDACTED] and her family. Ms. Graham, joined by Ms. Robinson and Northley student Anabella, created multiple “hit lists” on Discord. Ms. [REDACTED] was included as a target on all three of their lists. A student privy to the Discord server found the threats so alarming that she reached out to Ms. [REDACTED] directly to inform her of what was going on. Ms. [REDACTED] family immediately reported these threats to the school and to the police.

Relying on the District’s promise to provide her a “safe and supportive” school that would take seriously the multiple reported threats, Ms. [REDACTED] went to school on the next school day. To her shock, one of the students who had put her on a “hit list” was still at school. Ms. [REDACTED] and her family came to learn that school imposed *no repercussions whatsoever* on this student for her terroristic threats; instead, the school merely asked the student whether she intended to *actually* hurt Ms. [REDACTED] to which the student answered no. The school found that to be sufficient, and the student returned to classes facing no

consequences. Worse, it does not appear that the other students who put Ms. [REDACTED] on the “hit list” were even questioned, let alone disciplined. The school’s explanation was that they aren’t required to address these issues because the other girls are presently attending the District’s cyber school. The school’s myopic view of the situation ignores that these students are presently attending District schools and are currently slated to attend the same high school as Ms. [REDACTED] next year. The threat to Ms. [REDACTED] is both present and future.

These were not isolated threats. The placement of Ms. [REDACTED] on these students’ “hit lists” comes after years of verbal and physical harassment and abuse known to the District. Yet rather than conducting an actual investigation and disciplining these students, this disturbing behavior has, once again, been swept under the rug. Only after this matter came to the public’s attention did the school seek to do *something* to save face. But the school’s response, rather than punishing the responsible students, was to offer Ms. [REDACTED] a chaperone throughout her school day, an act that will single her out in front of other students, do nothing to deter these students’ violent and threatening behavior out of school, and likely subject Ms. [REDACTED] to further bullying.

The impact of these events on Ms. [REDACTED] has been dramatic and concerning. Ms. [REDACTED] has struggled with suicidal ideation. The school’s feckless response has left Ms. [REDACTED] feeling abandoned and vulnerable. As recently as March 29, Ms. [REDACTED] sought help from a trusted teacher after she was once again publicly humiliated by classmates who impersonated her with the purpose of ridiculing and embarrassing her in front of other students. The teacher not only did nothing to intervene when Ms. [REDACTED] came to her crying, she wouldn’t even let Ms. [REDACTED] call her mother to help her to cope. She was despondent and snuck into the bathroom to try to reach her mother because she didn’t think she could make it through the day. Hearing the fear in her daughter’s voice, Ms. [REDACTED] mother immediately came to the school and got her out. She has not yet felt well enough, or confident enough that the school takes her safety seriously, to be able to return to school. She is having nightmares and is afraid to go to school or leave the house. Her family is gravely concerned for her safety, due to the escalation of threats to Ms. [REDACTED] life, as well as the feelings of hopelessness she suffers due to the school’s indifference.

Additionally, Ms. [REDACTED] is not alone on these hit lists. The lists include several other students, a teacher, and two parents. Yet the school does not appear to have informed these other individuals of the threat to their safety, thereby leaving them vulnerable and wholly unprotected, particularly in light of the school’s decision not to take action.

## **THE DISTRICT’S LEGAL LIABILITY**

### **Title IX – Sexual Harassment**

Title IX provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a). Recipients of federal funding may be liable for damages under Title IX for student-on-student sexual harassment and retaliation. *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 173 (2005).

To prevail against a School District in a claim of student-on-student sexual harassment under Title IX, Plaintiffs must show that (1) the School District received federal funds; (2) sexual harassment occurred; (3) the harassment occurred under “circumstances wherein the [School District] exercise[d] substantial control over both the harasser and the context in which the ... harassment occurred”; (4) the School District had “actual knowledge” of the harassment; (5) the School District was “deliberately indifferent” to the harassment; and (6) the harassment was “so severe, pervasive, and objectively offensive that it [could] be said to [have] deprive[d] the victims of access to the educational opportunities or benefits provided by the school.” *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629, 643 (1999). In order to prove a retaliation claim under Title IX, a plaintiff must establish by a preponderance of the evidence that: (1) she engaged in activity protected by Title IX; (2) she suffered an adverse action; and (3) there was a causal connection between the two. *Doe v. Mercy Catholic Med. Ctr.*, 850 F.3d 545, 564 (3d Cir. 2017).

Here, Ms. [REDACTED] would prevail under both sets of standards. She has endured persistent sexual harassment and retaliation at school and school sponsored events, the school has regularly been made aware of this harassment as Ms. [REDACTED] has sought the school’s intervention, the school has been deliberately indifferent to her reports and failed to follow its own guidelines and has retaliated against her depriving her of her access to educational benefits.

#### **Violation of District Policy 249**

As required under the Pennsylvania School Code, the Penn-Delco School District has adopted an anti-bullying policy. Policy No. 249 defines bullying as ‘an intentional electronic, written, verbal, non-verbal, or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and where the student is exposed, repeatedly and over time, to negative actions on the part of one or more of the students.’ This explicitly includes cyber-bullying—“harassing, teasing, intimidating, threatening, or terrorizing another student...by way of any technology” with the effect of placing a student in reasonable fear of physical, emotional, or mental harm or “creating an intimidating or hostile environment that substantially interferes with a student’s educational opportunities.” *Id.* This policy requires that complaints of bullying “shall be investigated promptly, and corrective action shall be taken when allegations are verified.” *Id.* The policy further states that no retaliation shall occur as a result of good faith reports of bullying.

As described above, Ms. [REDACTED] has regularly suffered from verbal and physical acts in school and school sponsored events that have had the effect of placing her in reasonable fear of physical, emotional, and mental harm. The genesis of these retaliatory acts was her reporting of a sexual assault. This has been going on for years but has recently escalated due to the school’s failure to enforce its own anti-bullying policies in general, and cyber-bullying policies specifically in the most recent case.

Adding a student’s name to a secret “hit-list” is cause for that child to reasonably fear physical, emotional, or mental harm. This is doubly true in the case of Ms. [REDACTED] who has been the subject of bullying and harassment in Penn-Delco schools for many years, including from these specific students. Furthermore, considering that the list contains the names of other students and a teacher, the “hit-lists” constitute an intimidating or hostile environment that substantially interferes with Ms. [REDACTED] educational opportunities. She has been forced to miss school because of her reasonable fears of attending school with a student who put her on a “hit-list” and suffered no adverse consequences. The school’s

cavalier attitude toward this situation is alarming, especially considering the recent murders of three teachers and three children at The Covenant School in Nashville, Tennessee, along with other recent tragedies of school violence.

Following the District's policies requires corrective action against the students who have targeted Mr. [REDACTED] for retaliation, harassment, bullying, and violence. Asking a student if they *really* meant to act on their violent threat is not a solution. It is a cop-out, a dereliction of duty, and should be a warning sign for all District parents.

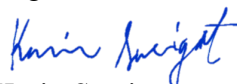
The District has a legal responsibility to enforce the law. In this case, that includes protecting Ms. [REDACTED] from retaliation and following District's own policies on bullying requiring the District to investigate and discipline the students making these violent threats.

### CONCLUSION

Ms. [REDACTED] asks nothing more than for the District to follow the law so that she can receive the education to which she is entitled, free from harassment, bullying, and retaliation. That means taking these allegations seriously, investigating, and disciplining all the students involved in making these threats, and ensuring that they are not made again. Violent threats against students should not be minimized. Yet the school's perpetual looking the other way has created an escalation in the violent rhetoric to the point where Ms. [REDACTED] is in fear of her life.

On behalf of our client, we hereby demand that you respond to this letter in writing, by Friday, April 14, 2023, to confirm that the District intends to meaningfully address this situation and to specify what the District's plan entails. Our clients reserve all legal rights available to them to protect Ms. [REDACTED] from ongoing abuse, should the District fail to do the right thing. Please contact me (ksweigart@dhillonlaw.com) with any questions about the contents of this letter.

Regards,



Karin Sweigart