

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

YAIR LEV, individually and as parent and natural guardian of his children; ELEANOR STANFORD, individually and as parent and natural guardian of her minor child JOAQUIN IMAIZUMI; ERIN AMINI and MICHAEL AMINI, individually and as parents and natural guardians of their children; MEREDITH BRISCO-BACIK and BRADLEY BACIK, individually and as parents and natural guardians of their children; BERTHA ESCOBEDO BARRONDO, individually and as parent and natural guardian of her children; JAMES HAUSMAN, individually and as parent and natural guardian of his child; and SARA MOYN, individually and as parent and natural guardian of her children;

Plaintiffs

V.

LOWER MERION SCHOOL DISTRICT;
FRANK RANELLI, *individually and as Superintendent, Lower Merion School District*;
KERRY SAUTNER, *individually and as Board President, Lower Merion School District*; TODD RIDKY, *individually and as Vice President, Lower Merion School District*; JASON HERMAN, *individually and as Board Member, Lower Merion School District*; SHAYNA KALISH, *individually and as Board Member, Lower Merion School District*; JUANITA KERBER, *individually and as Board Member, Lower Merion School District*; and ANNA SHURAK, *individually and as Board Member, Lower Merion School District*.

Defendants.

Case No. 2:26-cv-6347-JMY

**PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION
TO DISMISS COMPLAINT**

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The Court should deny Defendants’ motion to dismiss the Complaint. Parents’ Substantive Due Process right to make decisions about the care, custody, and control of their children, and to direct their education and upbringing, has been recognized by the Supreme Court for more than a century. Plaintiffs amply allege how the District interferes with this right through its longstanding failure to control students’ technology environment and its policy requiring that students must use an internet-connected computer to access their education with no exceptions or accommodations.

Further, there is no qualified immunity for the Individual Defendants because Plaintiffs do not seek damages. The Individual Defendants are properly named because each was directly involved in the deprivation of Plaintiffs’ Substantive Due Process rights and Plaintiffs seek injunctive relief that is personal to each of them.

I. LEGAL STANDARD

A motion to dismiss under Rule 12(b)(6) tests only the sufficiency of the complaint, and “[t]he defendant bears the burden of showing that no claim has been presented.” *Hedges v. United States*, 404 F.3d 744, 750 (3d Cir. 2005). The Court must “accept as true all factual allegations in the complaint and draw all inferences from the facts alleged in the light most favorable to [the plaintiff].” *Phillips v. Cnty. of Allegheny*, 515 F.3d 224, 228 (3d Cir. 2008). A complaint survives if it contains “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* “[D]etailed pleading is not generally required.” *Connelly v. Lane Constr. Corp.*, 809 F.3d 780, 786 (3d Cir. 2016). Nor does plausibility “impose a probability requirement at the pleading stage; it simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of” the unlawful conduct. *Twombly*, 550 U.S. at 556. In applying this standard, the Court must (1) “tak[e] note of the elements [the] plaintiff must plead to state a claim”; (2) identify allegations that “are no more than conclusions”; and (3) assume the veracity of the “well-pleaded

factual allegations” and “determine whether they plausibly give rise to an entitlement to relief.” *Connelly*, 809 F.3d at 787 (alterations in original) (quoting *Iqbal*, 556 U.S. at 675, 679).

II. ARGUMENT

A. Defendants distort the right at issue: this case is about caregiving, not curriculum.

As with Defendants’ opposition to Plaintiffs’ motion for a preliminary injunction, *see* Dkt. Nos. 14, 24, 27, the Substantive Due Process violation at issue in this case must be properly articulated before the Court may assess whether Plaintiffs have stated claims for relief.

The right that Defendants are allegedly violating is not that “of a parent to choose which technology their child uses in a public school, if any,” Mot. at 1, 4; nor is it that of a parent to “control each and every aspect of their children’s education,” Mot. at 7. Every Plaintiff supports their children receiving at least some age-appropriate technology instruction, and no parent seeks to opt their child out of technology use entirely. *See* Complaint, ¶¶ 375, 401, 458, 493, 528, 567, 611; *cf.* Opp. at 1, 17.

Nor do Plaintiffs assert the right to exercise control over the District’s curriculum, in that they do not object to the content of any subject that is being taught to their children. (Though it must be noted that whether the District considers internet-connected computers to be “curriculum” changes depending on if that designation opens the use of those devices to challenge under other applicable policies and laws or, alternatively, would bring this case in line with precedent more favorable to the District. *Compare* Complaint, ¶¶ 283–286, Ex. D-01, LMSD_RTK_0098 (form letter sent at behest of Superintendent Ranelli characterizes internet-connected computers as “curriculum delivery,” not curriculum); ¶¶ 288–289, Ex. D-02 (District Solicitor Kenneth A. Roos characterizing internet-connected computers as a means of “curriculum delivery” that are not part of the curriculum itself, and therefore cannot be challenged under other District policies), *with* Mot. at 6 (citing authority that “in certain circumstances the parental right to control the upbringing of a child must give way to a school’s ability to control curriculum and the school environment”), 7 (“If all parents had a fundamental constitutional right to dictate individually what the schools

teach their children, the schools would be forced to cater a curriculum for each student whose parents had genuine moral disagreements with the school’s choice of subject matter.”)).

Instead, this case is about the right of parents to raise and protect their children in the face of the District’s longstanding failure to ensure that the internet-connected computers students must use to access their education are used only for academic purposes and in ways that do not jeopardize their health, safety, and privacy. This right thus concerns “matters of the greatest importance,” and it prevails unless the District can show a compelling interest for its actions. *Tatel v. Mt. Lebanon Sch. Dist.*, 675 F. Supp. 3d 551, 556 (W.D. Pa. 2023) (citing *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 184 (3d Cir. 2005); *Gruenke v. Seip*, 225 F.3d 290, 305 (3d Cir. 2000)).

A parent’s right to make decisions regarding the care, custody, and control of their children, and to direct their education and upbringing, is one of the oldest fundamental rights recognized under the Fourteenth Amendment. Over a century ago, in *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923), the Supreme Court held that the “liberty” protected by the Due Process Clause includes the right of parents to “establish a home and bring up children” and “to control the education of their own.” Two years later, in *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535 (1925), the Court again held that the “liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control,” emphasizing that “[t]he child is not the mere creature of the State[.]”

In *Troxel v. Granville*, the Supreme Court traced the development of this right over the next seventy-five years, holding that “it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” 530 U.S. 57, 65–67 (2000) (citing *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)).

The Third Circuit recognizes and respects parental rights as primary and fundamental, but those rights are not absolute or unlimited. *Tatel v. Mt. Lebanon Sch. Dist.*, 752 F. Supp. 3d 551, 552 (W.D. Pa. 2023) (citing *Gruenke*, 225 F.3d at 304). The extent of parents’ substantive due process rights under the United States Constitution is a legal question for the court. *Id.* (citing *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) (“It is emphatically the province and duty of the judicial department to say what the law is.”)).

“[W]hen conflicts occur between parents and public schools on matters of the greatest importance, the [p]arents’ rights prevail unless the public school can demonstrate a compelling interest for its actions.” *Tatel*, 752 F. Supp. 3d at 554 (citing *Ridgewood*, 430 F.3d at 184; *Gruenke*, 225 F.3d at 305). “[T]he burden is on the school—not the [p]arents—to foresee areas in which the school’s policies might conflict with parents’ fundamental rights. In the event of a conflict, the school must either: (1) recognize the primacy of parents’ authority; or (2) articulate a compelling interest for the school’s action.” *Id.* (citing *Gruenke*, 225 F.3d at 305).

Authority from other circuits is of limited relevance where those courts follow the school-primacy approach, rather than the parent-primacy approach adopted in the Third Circuit. *Id.* at 553, n.17. Holdings from other jurisdictions that “parents forfeit their rights at the schoolhouse door and retain only the right to decide whether or not to send their children to public school may be fundamentally unfair to parents who in reality do not have that choice.” *Id.* “Many people cannot afford to pay for private school for their children and may be working parents or may not be educationally or otherwise able to home school their children.” *Id.* “For many, particularly those of limited means or education, public school is effectively mandatory.” *Id.* (citation omitted). “Constitutional rights should not be analyzed in a way that benefits only socially and economically advantaged persons.” *Id.*; see also *Mahmoud v. Taylor*, 606 U.S. 522, 561 (2025) (“It is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faiths, when alternatives can be prohibitively expensive and they already contribute to financing the public schools.”).

B. Plaintiffs adequately allege violations of their Substantive Due Process rights.

Plaintiffs allege that Defendants' conduct violates their right to make caregiving decisions about their children relating to their health, safety, and privacy, and to direct the education and upbringing of their children.

The elements of a § 1983 Fourteenth Amendment Substantive Due Process claim are: (i) defendants acted under color of law; (ii) a protected liberty interest was at stake; (iii) the defendants owed a duty of care; and (iv) a deprivation within the meaning of the Due Process Clause occurred. *See Roberts v. Mentzer*, 382 F. App'x 158, 166 (3d Cir. 2010); *Fagan v. City of Vineland*, 22 F.3d 1296, 1310 (3d Cir. 1994).

As to the first element, Defendants are alleged to be state actors proceeding under the color of law. *See* Complaint, ¶¶ 29–46; *Gruenke*, 225 F.3d at 307. As to the third element, Defendants are alleged to owe a duty of care to Plaintiffs not to violate their constitutional rights. *See* Complaint, ¶¶ 29–46; *see, e.g., Tatel*, 752 F. Supp. 3d at 550–563.

As to the second element, at stake is one of the oldest fundamental liberty interests recognized under the Constitution, namely, parents' rights to make decisions regarding their children's care—which has discrete dimensions of health, safety, and privacy—and to direct their education and upbringing. *See* Section II.A., *supra*. And as to the fourth element, a deprivation has occurred: Plaintiff parents allege that Defendants, through enacting, implementing, and overseeing District policies, have prevented them from making decisions to protect their children's health, keep them safe, and ensure their privacy; interfered with how Plaintiff parents wish to direct their children's education; and undermined how they wish to raise their children. *See* Complaint, ¶¶ 322–694.

Plaintiffs amply allege how the internet-connected computers that the Lower Merion School District has forced into the hands of its students and into the homes of their parents can access the open internet and are frequently used by children for non-academic, non-curricular, entertainment purposes in ways that are dangerous and harmful, and which Defendants admit they cannot control. *See* Complaint, ¶¶ 146–231 (describing conditions in the District); ¶¶ 201, 320,

321 (District officials admit their lack of control). Likewise, Plaintiffs allege that the District purports to strip its students of any reasonable expectation of privacy in those internet-connected computers. *See id.* at ¶ 317.

The second and fourth elements are discussed in more detail below with respect to each of the six counts in the Complaint.

1. Defendants prevent Plaintiffs from making caregiving decisions about their children’s health.

In Count I, Plaintiffs state a claim that Defendants prevent them from making caregiving decisions about their children’s health. *See* Complaint, ¶¶ 618–631.

Protected liberty interest. Parents have a Substantive Due Process right to make decisions regarding their children’s care, which includes the right to make decisions about their health. *See Troxel*, 530 U.S. at 65–66; *Parham*., 442 U.S. at 602. The Supreme Court “long ago rejected any notion that a child is ‘the mere creature of the State’ and, on the contrary, asserted that parents generally ‘have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations.’” *Parham*, 442 U.S. at 602 (citing *Pierce*, 268 U.S. at 535; *Yoder*, 406 U.S. at 213; *Prince*, 321 U.S. at 166; *Meyer*, 262 U.S. at 400). “[T]his includes a ‘high duty’ to recognize symptoms of illness and to seek and follow medical advice.” *Id.* “The law’s concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life’s difficult decisions.” *Id.* “More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children.” *Id.* (citing 1 W. Blackstone, Commentaries *447; 2 J. Kent, Commentaries on American Law *190). “Most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment.” *Id.* at 603.

Deprivation. Defendants have created conditions in the District that provide students unstructured, unsupervised, unlimited access to the internet. *See* Complaint, ¶¶ 146–231, 265–266, Ex. D-01 at pages 632–659.

Unstructured, unsupervised, unlimited access to the internet harms and risks harming children's health. *See* Complaint, ¶¶ 50–56, 67–86, 96–100.

These harms and risks of harm are well documented, including by the United States Surgeon General under two consecutive administrations. In 2023, the United States Surgeon General, Dr. Vivek Murthy, issued an advisory, *Social Media and Youth Mental Health*, “call[ing] the American people’s attention” to “the growing concerns about the effects of social media on youth mental health.” *See* Complaint, ¶ 67, Ex. A-02 (“the 2023 Advisory”), page 135 of 1542.¹ “A Surgeon General’s Advisory is a public statement that calls the American people’s attention to an urgent public health issue and provides recommendations for how it should be addressed. Advisories are reserved for significant public health challenges that require the nation’s immediate awareness and action.” *See* Ex. A-02, page 135.

While specifically addressing social media, the 2023 Advisory broadly applies to other online products and services, including gaming, gamified learning platforms, and online video services, which incorporate many of the same problematic design features that social-media platforms do. *See* Complaint, ¶ 68; Ex. A-02, pages 137–144.

The 2023 Advisory details the many potential harms of social-media use among children and adolescents, including increased risks of poor mental health outcomes including depression and anxiety; cyberbullying and cyberbullying-related depression; body-image issues, low self-esteem, and disordered-eating behaviors; poor sleep quality; exposure to harmful content, including that which promotes self-harm, partial asphyxiation, or cutting; and interactions with malicious actors, including those who target children for financial extortion, sexual gratification, distribution of intimate images of children, or to sell them illicitly manufactured fentanyl. *See* Complaint, ¶ 69; Ex. A-02, pages 137–144. Social media and other online platforms can cause harm and risks of harm by disrupting important healthy behaviors, triggering mental pathways

¹ Subsequent exhibit citations are to the exhibits to the Complaint. Subsequent page citations are to the ECF-applied page numbers, *i.e.*, “of 1542.”

comparable to addiction and inducing or exacerbating attention-deficit/hyperactivity disorder. *See* Complaint, ¶¶ 70–71, Ex. A-02, pages 137–144.

The 2023 Advisory observed that the burden of protecting youth has fallen on children, adolescents, and their families. *See* Complaint, ¶ 72, Ex. A-02, page 145.

To prevent these harms and minimize the risks of harm, the 2023 Advisory recommends that parents and caregivers create tech-free zones and encourage children to foster in-person friendships and work with others to help establish shared norms and practices that facilitate collective action and make it easier to set and implement boundaries on social media use for children. *See* Complaint, ¶ 73, Ex. A-02, pages 145–151.

The 2023 Advisory also recommends that children and adolescents create boundaries to help balance online and offline activities, including limiting the use of phones, tablets, and computers for at least one hour before bedtime and through the night to enable sufficient and quality sleep, and keeping in-person gatherings device-free to help build social bonds and engage in two-way conversations with others. The advisory also recommends that children and adolescents nurture their in-person relationships by connecting with others and making unplugged interactions a daily priority. *See* Complaint, ¶ 74, Ex. A-02, pages 145–151.

In 2026, the Office of the U.S. Surgeon General issued a second advisory, *Surgeon General's Warning on the Harms of Screen Use*, that expanded upon the 2023 Advisory and detailed the risks of screen use—including but not limited to social media—to children's overall mental and physical health. *See* Complaint, ¶ 75, Ex. A-03 ("2026 Advisory").

The 2026 Advisory warned that the entire digital ecosystem of apps, smartphones, tablets, chatbots, and other screen-associated devices and interfaces places children in harm's way. *See* Complaint, ¶ 76, Ex. A-03, pages 161–62.

The 2026 Advisory detailed symptoms of harmful overuse, including loss of control; repeatedly asking to use screens, while whining, crying, or sulking; using screen time to feel better or becoming upset or moody when screen time ends; hiding or lying about their overall screen use; trying unsuccessfully to reduce screen use; and continuing screen use despite negative

consequences. *See* Complaint, ¶ 77, Ex. A-03, page 165. The 2026 Advisory noted that screen overuse may resemble recognized behavioral addictions when it is associated with poorer sleep, decreased academic functioning, diminished physical activity, and impairments in daily responsibilities or in-person relationships. *See* Complaint, ¶ 78, Ex. A-03, page 165.

The 2026 Advisory summarized key research findings showing that excessive screentime can carry developmental and cognitive risks and lead to poorer language outcomes for young children; is linked to poor educational and health outcomes, and is associated with sleep problems and physical health risks for younger, school-aged children; is linked to anxiety, depression, low self-esteem, and body image concerns, and is associated with higher levels of family conflict, aggression, poor peer relationships, and substance abuse behavior for teens; puts children at risk of sexual exploitation; and disrupts sleep. *See* Complaint, ¶¶ 79–83, Ex. A-03, pages 169–178.

The 2026 Advisory further warned that screen use is associated with other health harms, including an increased likelihood of being overweight and obese; a higher risk of myopia (nearsightedness); increased sedentary behavior; worse cardiovascular health; unhealthy dietary patterns, higher caloric intake, and greater consumption of ultra-processed foods; and musculoskeletal discomfort, including neck, back, and shoulder pain, as well as poor posture. *See* Complaint, ¶ 84, Ex. A-03, pages 169–178.

Certain Plaintiffs’ children have suffered harms to their health, including headaches, neck pain, eye strain, myopia, stress, anxiety, depression, emotional dysregulation, emotional distress, increased aggression, persistent distraction, increased difficulties paying attention, and interruptions to sleep. *See* Complaint, ¶¶ 356–358; 400–405, 408, 448–449, 477, 480, 553–554, 556, 559.

Plaintiffs desire to protect their children from the harms and risks of harm to their children’s health identified by the Surgeon General in the 2023 Advisory and the 2026 Advisory, and that their own children have experienced. *See* Complaint, ¶¶ 329–330.

The District’s policies deprive Plaintiffs of the ability to protect their children from these harms and risks of harm, and from following recommendations from the Surgeon General, because

they do not permit Plaintiffs to decline an internet-connected computer for their child in order to protect their health. *See* Complaint, ¶¶ 86, 308–321.

2. Defendants prevent Plaintiffs from making caregiving decisions about their children’s safety.

In Count II, Plaintiffs state a claim that Defendants prevent them from making caregiving decisions about their children’s safety. *See* Complaint, ¶¶ 632–645.

Protected liberty interest. Parents have a Substantive Due Process right to make decisions regarding their children’s care, which includes the right to make decisions about their safety. *See Troxel*, 530 U.S. at 65–66. “[T]here is a presumption that fit parents act in the best interests of their children.” *Troxel*, 530 U.S. at 68. The vast weight of the relevant caselaw concerns the government’s authority to ensure the safety of children when their parents fail to do so. *See, e.g., Prince*, 321 U.S. at 166 (“Acting to guard the general interest in youth’s well being, the state as *parens patriae* may restrict the parent’s control by requiring school attendance, regulating or prohibiting the child’s labor, and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child’s course of conduct on religion or conscience.”); *Spahr v. Collins*, No. 22-2787, 2024 WL 3738878, at *3 (3d Cir. Aug. 9, 2024); *B.S. v. Somerset Cnty.*, 704 F.3d 250, 271 (3d Cir. 2013); *Croft v. Westmoreland Cnty. Children and Youth Services*, 103 F.3d 1123, 1125 (3d Cir. 1997) (“[The] liberty interest in familial integrity is limited by the compelling governmental interest in the protection of children—particularly where the children need to be protected from their own parents.”).

But the opposite is true here: the District is exposing its students to dangerous conditions, which Plaintiffs seek to protect their children from. The “natural bonds of affection [that] lead parents to act in the best interests of their children” encompass decisions related to their children’s safety. *See Parham*, 442 U.S. at 602. “[T]he court must accord at least some special weight to the parent’s own determination” as to what is in their children’s best interests. *Troxel*, 530 U.S. at 70.

Deprivation. Defendants have created conditions in the District that provide students unstructured, unsupervised, unlimited access to the internet. *See* Complaint, ¶¶ 146–231, 265–266, Ex. D-01 at pages 632–659.

Unstructured, unsupervised, unlimited access to the internet harms and risks harming children’s safety. *See* Complaint, ¶¶ 50–56, 69, 82, 87–95, 96–100, 101–134.

As the Surgeon General cautioned in the 2023 Advisory and the 2026 Advisory, unstructured, unsupervised, unlimited internet access can lead to children being exposed to harmful content and malicious actors who target children for financial extortion, sexual gratification, distribution of intimate images of children, or to sell them illicitly manufactured fentanyl; experiencing uncomfortable interactions with strangers and peers, including grooming and cyberbullying; and viewing live depictions of self-harm acts like partial asphyxiation and cutting. *See* Complaint, ¶¶ 69, 82, Ex. A-02 at pages 138–43, Ex. A-03 at pages 169–178.

The FBI has twice warned, in 2023 and 2025, about violent online groups deliberately targeting minor victims on publicly available messaging platforms to extort them into recording or live streaming acts of self-harm and producing child sexual abuse material (CSAM), which is visual evidence of sexual abuse of a child. *See* Complaint, ¶¶ 87–95; Ex. A-04; Ex. A-05.

Underage students in the District have access to platforms that impose age limits and parent permission or supervision requirements that are, in part, intended to protect minors. *See* Complaint, ¶¶ 135–140, 194–201. Students in the District encounter pornography, violent images, and violent or disturbing video games through their school devices; access gambling and gambling-like sites; access social media and gaming platforms; and receive unexpected, unwanted, and age-inappropriate search results in response to innocent search queries. *See* Complaint, ¶¶ 196–200.

Students in the District also have access to AI chatbots that are available by default on District computers, namely Google’s AI Overview and AI Mode. *See* Complaint, ¶¶ 202–207. The Common Sense Media Youth AI Safety Institute gave these chatbots the lowest possible rating: Unacceptable Risk. *See* Complaint, ¶¶ 116–118, Ex. A-08 at pages 261–63. These chatbots are integrated directly into Google’s core search product, appear at the top of most queries in the U.S.,

and cannot be disabled. *Id.* These products do not reliably detect or respond to children at risk, including children at risk of mental health crisis, suicidal ideation, eating disorders, psychosis, and mania; talk to minors about alcohol and drug use the same way they would talk to an adult; and sometimes even endorse substance abuse. *See* Ex. A-08 at pages 267–275.

Certain Plaintiffs’ children have suffered harms to their safety, including exposure to age-inappropriate content. *See* Complaint, ¶¶ 393–394, 399, 402, 409–410, 420, 444, 448, 482–484, 551–552, 591–593.

The District’s policies deprive Plaintiffs of the ability to protect their children from these harms and risks of harm because they do not permit Plaintiffs to decline an internet-connected computer for their child in order to protect their safety. *See* Complaint, ¶¶ 86, 308–321.

3. Defendants prevent Plaintiffs from making caregiving decisions about their children’s privacy.

In Count III, Plaintiffs state a claim that Defendants prevent Plaintiffs from making caregiving decisions about their children’s privacy. *See* Complaint, ¶¶ 646–663.

Protected liberty interest. Parents have a Substantive Due Process right to make decisions regarding their children’s care, which includes the right to make decisions about their privacy. *See Troxel*, 530 U.S. at 65–66; *Gruenke*, 225 F.3d at 303. The constitutional right to privacy extends to minors. *See Gruenke*, 225 F.3d at 303 (reversing summary judgment and remanding for consideration of minor student’s disclosure-based privacy claim); *Application of Gault*, 387 U.S. 1, 13 (1967) (“neither the Fourteenth Amendment nor the Bill of Rights is for adults alone”). “[M]inors are individuals who enjoy constitutional rights of privacy under substantive due process.” *Anspach ex rel. Anspach v. City of Philadelphia, Dept. of Pub. Health*, 503 F.3d 256, 271 (3d Cir. 2007). “Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority.” *Planned Parenthood of C. Missouri v. Danforth*, 428 U.S. 52, 74 (1976).

Students retain a legitimate expectation of privacy at school. *New Jersey v. T.L.O.*, 469 U.S. 325, 338 (1985) (“[S]tudents may carry on their persons or in purses or wallets such nondisruptive

yet highly personal items as photographs, letters, and diaries. . . . [S]choolchildren may find it necessary to carry with them a variety of legitimate, noncontraband items, and there is no reason to conclude that they have necessarily waived all rights to privacy in such items merely by bringing them onto school grounds.”). “The legality of a search of a student should depend on the reasonableness, under all the circumstances, of the search.” *Id.* at 341.

“Determining the reasonableness of any search involves a twofold inquiry: first, one must consider whether the action was justified at its inception; second, one must determine whether the search as actually conducted was reasonably related in scope to the circumstances which justified the interference in the first place.” *Id.* (cleaned up). “Under ordinary circumstances, a search of a student by a teacher or other school official will be ‘justified at its inception’ when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” *Id.* at 341–42. “Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.” *Id.* at 342.

The reasonableness standard applies even when the property is owned by the school and the student is informed that it is jointly controlled by the school. *See, e.g., Zamora v. Pomeroy*, 639 F.2d 662, 671 (10th Cir. 1981) (reasonable cause required to search a student’s locker); *Singleton v. Bd. of Educ. USD 500*, 894 F. Supp. 386, 391 (D. Kan. 1995) (same).

Deprivation. The District’s new policies purport to strip all students of any expectation of privacy in their school-issued devices, even though those devices are jointly controlled by students and schools, and even though students may use them for personal purposes. *See* Complaint, ¶ 317, Ex. E-04 at page 1445, Ex. E-07 at page 1474, Ex. E-08 at page 1481.

By fiat, the District’s new policies eliminate students’ expectation of privacy in “highly personal items as photographs, letters, and diaries,” or any other personal material that may be found on a student’s computer, simply because these exist in electronic form on a device rather than in a physical form in a student’s locker. *See id.; T.L.O.*, 469 U.S. at 338. Eliminating the

reasonableness requirement before engaging in a search of a student or undertaking pervasive surveillance of them violates the child's own right to privacy under the Fourth and Fourteenth Amendments, and thus violates parents' caregiving right to make decisions to protect their children's privacy. *See Gruenke*, 225 F.3d at 303.

The only way Plaintiffs may safeguard their children's privacy against violations by District officials is to decline a device for their children, which the District's new policies do not allow. Accordingly, the District's policies deprive Plaintiffs of the ability to protect their children from these harms and risks of harm because they do not permit Plaintiffs to decline an internet-connected computer for their child in order to protect their privacy. *See Complaint*, ¶¶ 308–321.

4. Defendants interfere with Plaintiffs' direction of their children's education.

In Count IV, Plaintiffs state a claim that Defendants interfere with their ability to direct their children's education. *See Complaint*, ¶¶ 664–678.

Protected liberty interest. Parents have a Substantive Due Process right to direct their children's education. *See Troxel*, 530 U.S. at 65–66; *Meyer*, 262 U.S. at 399; *Pierce*, 268 U.S. at 534–35. The “liberty” protected by the Due Process Clause includes the right of parents to “establish a home and bring up children” and “to control the education of their own.” *Meyer*, 262 U.S. at 399, 401. The “liberty of parents and guardians” includes the right “to direct the upbringing and education of children under their control.” *Pierce*, 268 U.S. at 534–35. “[T]he custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.” *Prince*, 321 U.S. at 166. Parents have the right to a fair opportunity to procure for their children instruction which they think important. *Farrington v. Tokushige*, 273 U.S. 284, 298 (1927).

As with the safety right discussed in Section B.2., *supra*, the weight of the caselaw concerns situations opposite to those here, where parents asserted incidental violations of their right to direct their child's education; sought to undermine a school's ability to ensure order, health, and safety; or opposed reasonable regulations for homeschooling. *Cf. Ridgewood*, 430 F.3d at 182–185

(annual anonymous survey); *Combs v. Homer-Ctr. Sch. Dist.*, 540 F.3d 231, 233 (3d Cir. 2008) (homeschool reporting requirements); *Angstadt v. Midd-W. Sch. Dist.*, 377 F.3d 338, 344 (3d Cir. 2004) (eligibility to play sports); *Brown v. Hot, Sexy & Safer Prods., Inc.*, 68 F.3d 525, 533 (1st Cir. 1995) (assemblies); *Immediato v. Rye Neck School Dist.*, 73 F.3d 454, 462 (2d Cir. 1996) (community service); *Herndon by Herndon v. Chapel Hill-Carrboro City Bd. of Educ.*, 89 F.3d 174, 177 (4th Cir. 1996) (same); *Perry v. Marteney*, 172 F.4th 315, 318, 322–23 (4th Cir. 2026) (compulsory vaccination laws); *Murphy v. State of Arkansas*, 852 F.2d 1039, 1044 (8th Cir. 1988) (testing); *Swanson by and through Swanson v. Guthrie Indep. Sch. Dist. No. I-L*, 135 F.3d 694, 699 (10th Cir. 1998) (choosing which classes homeschooler will attend).

Here, by contrast, Plaintiffs allege that the internet-connected computers that the District requires students to use and the digital environment created and overseen by the Defendants pervasively interfere with their children’s ability to learn and undermine how Plaintiffs wish to direct their children’s education in ways that are felt every day.

Deprivation. The Complaint alleges that Defendants have created conditions in the District that provide students unstructured, unsupervised, unlimited access to the internet. *See* Complaint, ¶¶ 146–231, 265–266, Ex. D-01 at pages 632–659.

Defendants require students, including Plaintiffs’ children, to use devices that are connected to the open internet in an age when the internet has become extractive, enticing, addictive, and irresistible, such that students frequently use those devices for non-academic, non-curricular, entertainment purposes that distract them from learning. *See* Complaint, ¶¶ 50–56, 168–193; Ex. A-03 at pages 175–177.

Defendants require students, including Plaintiffs’ children, to use gamified learning applications that are much more like video games than they are like textbooks, that use harmful persuasive design techniques, and that are frustrating and demotivating. *See* Complaint, ¶¶ 146–231, 348–366, 482–484; Ex. D-01 at pages 767–768, 822–834.

Defendants allow students, including Plaintiffs’ children, to access AI chatbots that they can use to cheat, diminish their cognitive capacity, circumvent the learning process, and

confidently provide incorrect information. *See* Complaint, ¶¶ 107–116, 132–134, 202–207, 323, 399, 403; Ex. A-03 at page 172; Ex. A-06 at pages 223–233 (analyzing harms of AI to education); Ex. A-08 at pages 276–277 (Google AI Mode, which cannot be disabled, completes every homework assignment it is given), 277–279, 281–283 (Google AI Mode, which cannot be disabled, provides incorrect information and does so confidently); Ex. A-12, pages 375–445 (extensively analyzing risks and benefits of AI for learning and concluding that risks outweigh benefits).

Further, the District’s requirement that students, including Plaintiffs’ children, use computers to access their education inhibits the development of other crucial skills like handwriting, which helps young children learn to read and helps all learners better retain information. *See* Complaint, ¶¶ 222–224, 257, 369, 400. This requirement also impairs students’ ability to learn spelling, punctuation, grammar, and composition. *See id.*

In addition, District policies that mandate the pervasive use of computers interfere with students’ social development, including the social development of Plaintiffs’ children. *See* Complaint, ¶¶ 146–158, 225–231, 370, 420, 453, 488, 561; Ex. A-02 at pages 149–150; Ex. A-03 at pages 183–188.

Plaintiffs send their children to school to learn and develop. They do not want their children having to fight the irresistible temptation posed by the open internet or playing video games that purportedly have an educational component in order to do so. *See generally* Complaint, ¶¶ 19, 322–617. They do not want their children cheating with AI chatbots that the District makes readily available on their computers, having their cognitive capacity diminished, or eroding what they have already learned. *See id.* Plaintiffs want their children to develop the skills that have traditionally been a part of elementary and secondary education, including handwriting, spelling, punctuation, grammar, and composition. *See id.* And they want their children to have an opportunity to develop important social skills that can only be learned by interacting with peers and trusted adults. *See id.*

Certain Plaintiffs' children have experienced harms to their education because of the Defendants' technology policies, including distraction, frustration, and diminished acquisition of critical skills. *See* Complaint, ¶¶ 341–366, 391–392, 396–420, 448, 478, 482–486, 555–561.

By displacing analog instruction and human interaction with internet-connected devices that distract from learning and command attention away from teachers and peers, the District is denying Plaintiffs the right to a “fair opportunity to procure for their children instruction which they think important.” *Farrington*, 273 U.S. at 298.

The District's policies deprive Plaintiffs of the ability to direct their children's education because they do not permit Plaintiffs to decline an internet-connected computer for their child if the device interferes with their education. *See* Complaint, ¶¶ 308–321.

5. Defendants interfere with Plaintiffs' direction of their children's upbringing.

In Count V, Plaintiffs state a claim that Defendants interfere with their ability to direct their children's upbringing. *See* Complaint, ¶¶ 679–690.

Protected liberty interest. Parents have a Substantive Due Process right to direct their child's upbringing. *See Troxel*, 530 U.S. at 65–66. “The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children.” *Yoder*, 406 U.S. at 232. “This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.” *Id.*

“Public schools must not forget that ‘*in loco parentis*’ does not mean ‘displace parents.’” *Ridgewood*, 430 F.3d at 183 (citations omitted). “It is not educators, but parents who have primary rights in the upbringing of children.” *Id.* “State deference to parental control over children is underscored by the [Supreme] Court's admonitions that the child is not the mere creature of the State, and that it is the parents' responsibility to inculcate moral standards, religious beliefs, and elements of good citizenship.” *Id.* (alteration in original).

“[T]he court must accord at least some special weight to the parent's own determination” as to what is in their children's best interests. *Troxel*, 530 U.S. at 70.

Deprivation. The Complaint alleges that Defendants have created conditions in the District that provide students unstructured, unsupervised, unlimited access to the internet. *See* Complaint, ¶¶ 146–231, 265–266, Ex. D-01 at pages 632–659.

Plaintiffs are aware of the harms and risks of harm that have been identified by such trusted authorities as the U.S. Surgeon General, the FBI, Common Sense Media, the National Education Policy Center, and the Brookings Institution, among others. *See* Complaint, ¶¶ 329–330.

In recognition of these many harms and risks of harm identified by these bodies, and consistent with the Surgeon General’s advice for parents to establish tech-free zones, foster in-person friendships, limit device usage before bedtime, and keep in-person gatherings device free, Plaintiffs have sharply limited their children’s use of internet-connected devices and screen use more broadly. *See id.* Like the men most responsible for creating today’s internet, Plaintiffs have chosen to protect their children by cultivating a low-tech environment at home that centers on in-person connection and engagement with the real world. *See* Complaint, ¶¶ 57–66, 322–330, 339–340, 343–344, 386–392, 406–412, 440–441, 473–479, 510–521, 540–545, 581–587.

Among the Plaintiffs are professors of medicine, pediatricians and other medical doctors, and clinical psychologists, who from their training and experience are more familiar than most with the harms the digital world poses to children. *See* Complaint, ¶¶ 333–334, 434–435, 469–470, 503. Their knowledge and experience have guided how they direct their children’s upbringing. *See id.* All Plaintiffs are making informed, evidence-based decisions to raise their children in a way that keeps them healthy and safe, protects their privacy, and helps them develop good habits for learning. *See id.*

Plaintiffs have observed how internet-connected devices have interfered with their relationship with their children and with their children’s healthy development and have intentionally decided to limit the presence of screens in their families’ lives. *See generally* Complaint, ¶¶ 322–617.

While their children are using their District-issued computers, Plaintiffs do not want their children to access online platforms in violation of those platforms’ terms that require parent

permission, parent supervision, or impose a minimum age limit. *See* Complaint, ¶¶ 135–145, 192, 253–266, 377, 460, 463–464, 495, 531, 569, 595, 601, 613.

Plaintiffs do not consent to their minor children accessing any online services that purport to take, use, and share their private, personal information, that forbid users under 13 if their children are under that age, or that require their consent if their children are under 18. *See id.*

Likewise, Plaintiffs do not want their children forming contracts, or purporting to form contracts, with online platforms that collect extensive personal information about them and that may require them to waive important rights, including the right to a jury trial. *See id.* “In Pennsylvania, like many states, minors are not competent to contract under the law, but they may still enter and be bound by a contract, whether they understand or not.” *Mercado v. Roblox*, Civ. No. 25-5925, slip op. at 1, 18–30 (E.D. Pa. Sept. 25, 2026). While minors have the right to disaffirm any such contract and avoid its enforcement, Plaintiffs desire that their children never enter into a contractual relationship with online platforms at all, simply because they accessed services through their school computers that they do not have access to at home.

The burdens that the District’s approach to technology place on Plaintiffs’ ability to raise their children in a manner consistent with their family values are not incidental and are felt every single day. “[W]hen conflicts occur between parents and public schools on matters of the greatest importance, the [p]arents’ rights prevail unless the public school can demonstrate a compelling interest for its actions.” *Tatel*, 752 F. Supp. 3d at 554 (citing *Ridgewood*, 430 F.3d at 184; *Gruenke*, 225 F.3d at 305). “[T]he burden is on the school—not the [p]arents—to foresee areas in which the school’s policies might conflict with parents’ fundamental rights. In the event of a conflict, the school must either: (1) recognize the primacy of parents’ authority; or (2) articulate a compelling interest for the school’s action.” *Id.* (citing *Gruenke*, 225 F.3d at 305).

The District’s policies deprive Plaintiffs of the ability to direct their children’s upbringing because they do not permit Plaintiffs to decline an internet-connected computer for their child if the device interferes with the family dynamic or undermines their parenting choices. *See* Complaint, ¶¶ 308–321.

6. Plaintiffs are entitled to a declaratory judgment.

In Count VI, Plaintiffs state a claim for a declaratory judgment that would clarify the District’s obligations under the United States Constitution. *See* Complaint, ¶¶ 691–694. Because Counts I – V are properly pled, Plaintiffs are entitled to a declaratory judgment.

C. The Individual Defendants are properly named and are not entitled to qualified immunity.

The Individual Defendants in this case—Superintendent Frank Ranelli, and School Board Defendants Kerry Sautner, Todd Ridky, Jason Herman, Shayna Kalish, Juanita Kerber, and Anna Shurak—are properly named and are not entitled to qualified immunity.

1. The Individual Defendants were personally involved in depriving Plaintiffs of their Substantive Due Process rights.

A defendant in a § 1983 action “must have personal involvement in the alleged wrongs to be liable and cannot be held responsible for a constitutional violation which he or she neither participated in nor approved.” *Saisi v. Murray*, 822 F. App’x 47, 48 (3d Cir. 2020). It is the plaintiff’s burden to “show that each and every defendant was ‘personal[ly] involve[d]’ in depriving him of his rights.” *Kirk v. Roan*, Civ. No. 1:04-cv-1990, 2006 WL 2645154, at *3 (M.D. Pa. Sept. 14, 2006) (*quoting Evancho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005)).

Plaintiffs allege that each of the Individual Defendants was personally involved in depriving them of their Substantive Due Process rights. The Individual Defendants created the technological conditions in the District that harm and risk harming Plaintiffs’ children’s health, safety, and privacy, and undermine Plaintiffs’ ability to direct their education and upbringing. *See* Complaint, ¶¶ 30–45. Defendant Ranelli pressed for the new policy that removed parents’ ability to decline an internet-connected computer that exposes their children to these harms and risks of harm and is responsible for enforcing the new policies. *See id.* at ¶¶ 267–307. The School Board Defendants voted to repeal the former policies that allowed parents to decline an internet-connected computer for their children and required the Superintendent and the child’s building principal to ensure that the District use its best efforts to accommodate them and voted to implement a new policy that eliminated this ability. *See id.* at ¶¶ 308–318 (though the allegation

in paragraph 310 that Defendant Ranelli participated in the August 17 vote is a drafting error that Plaintiffs will agree to strike or correct in a future pleading).

Accordingly, each Individual Defendant is properly named in the Complaint.

2. The Individual Defendants are not entitled to qualified immunity because Plaintiffs seek only injunctive relief.

“[T]he defense of qualified immunity is available only for damages claims—not for claims requesting prospective injunctive relief.” *Hill v. Borough of Kutztown*, 455 F.3d 225, 244 (3d Cir. 2006) (citing *Vance v. Barrett*, 345 F.3d 1083, 1091 n.10 (9th Cir. 2003); *Newman v. Burgin*, 930 F.2d 955, 957 (1st Cir. 1991) (Breyer, J.); *Torisky v. Schweiker*, 446 F.3d 438, 448 n.6 (3d Cir. 2006) (stating that if the District Court determined on remand that plaintiffs, who sought damages and an injunction, had abandoned their damages claim, “the District Court will have no occasion to devote . . . efforts to resolving the question of whether defendants . . . are entitled to qualified immunity.”)); *Montanez v. Sec. Pennsylvania Dept. of Corrections*, 773 F.3d 472, 488 (3d Cir. 2014) (“The fact that the defendants are entitled to qualified immunity on Hale’s damages claim does not prevent this case from moving forward on Hale’s claim for injunctive relief.”).

The Individual Defendants are not entitled to qualified immunity because Plaintiffs do not seek damages from them and only seek injunctive relief. *See* Complaint at pages 114–15 (Relief Requested). Specifically, Plaintiffs seek to enjoin the Individual Defendants from interfering with the necessary accommodations provided by a building principal and from retaliating against any Plaintiff, other parents seeking accommodations, or District staff involved in providing those accommodations. *See id.* at page 114, ¶ 1.

Plaintiffs’ alternative relief sought in Paragraph 2, that the District pay for the costs of private school, is injunctive in nature. To the extent the Court would construe it as a request for damages, Plaintiffs seek this relief only as against the District and not the Individual Defendants. Likewise, the reasonable attorney fees and costs sought in Paragraph 4 are not damages.

For these reasons, the Individual Defendants are not entitled to qualified immunity. *Hill*, 455 F.3d at 244.

III. CONCLUSION

Plaintiffs state a claim that the Defendants have violated their Substantive Due Process rights in five distinct ways, and that they are entitled to a declaratory judgment saying so.

The Individual Defendants are not entitled to qualified immunity because the Plaintiffs do not seek damages against them.

For the reasons set forth above, Plaintiffs respectfully request that the Court deny Defendants' motion in its entirety.

Dated: October 5, 2026

Respectfully submitted,

By: /s/ D. Patrick Huyett

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CERTIFICATE OF SERVICE

I, D. Patrick Huyett, certify that on October 5, 2026, I caused the foregoing document to be electronically filed using the Court's CM/ECF system, that all participants in this case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ D. Patrick Huyett
D. Patrick Huyett

Counsel for Plaintiffs