

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends, JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MITCH LINGO, and LISA WILLIAMS, in
their official capacities as board members of the Iowa City
Community School District; SIOUX CITY COMMUNITY
SCHOOL DISTRICT; ROD EARLEYWINE, in his
official capacity as Sioux City Community School District
Superintendent; DAN GREENWELL, LANCE EHMCKE,
JAN GEORGE, TREYLA LEE, JOHN MEYERS, BOB
MICHAELSON, and EARL MILLER, in their official
capacities as board members of the Sioux City Community
School District; URBANDALE COMMUNITY SCHOOL
DISTRICT; ROSALIE DACA, in her official capacity as
Urbandale Community School District Superintendent;
KATHERINE HOSWARE, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, STEVE
RICHMAN, JOSH VAN RSWYK, CARISSA
WILLIAMS, and MARGARET YOUNG, in their official
capacities as board members of the Urbandale Community

Case No. 4:23-cv-474

**PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, MICHAEL ANDRESKI, ELIZABETH LARSON, LILA P. MONTOYA STARR, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

Plaintiffs hereby move for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 to prevent further irreparable injury pending final adjudication of Plaintiffs' action.

This Motion is supported by the accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, the sworn Declarations of Becky Tayler, Executive Director of Plaintiff GLBT Youth in Iowa Taskforce dba Iowa Safe Schools; Plaintiff P.B.-P.; Plaintiffs P.C., Richard Clarson, and Ulrike Carlson; Plaintiff T.S.; Plaintiffs B.F.S. and Brigit Stevens; Plaintiff Robert Smith; Plaintiffs B.F. and Lara Newsom; and Plaintiff James Doe, and any other material the Court may consider at any hearing on this Motion.

As Plaintiffs set forth in their accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs are likely to succeed on the merits of their claims. Senate File 496, 2023 Iowa Acts ch. 91 ("SF 496" or "the law"), violates the First and Fourteenth Amendments by impermissibly chilling student speech based on its content and viewpoint, violating students' rights to receive information and ideas, violating students' rights of expressive association, being

unconstitutionally overbroad and vague, making classifications based on sexual orientation and transgender status without adequate tailoring and justification, and violating students' rights under the Equal Access Act, 20 U.S.C. § 4071. To obtain a preliminary injunction, Plaintiffs "need only establish a likelihood of succeeding on the merits of any one of [their] claims." *Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng'rs*, 826 F.3d 1030, 1040 (8th Cir. 2016) (quoting *Am. Rivers v. U.S. Army Corps of Eng'rs*, 271 F. Supp. 2d 230, 250 (D.D.C. 2003)).

As Plaintiffs establish in the accompanying Brief in Support of Plaintiffs' Motion for a Preliminary Injunction, Plaintiffs are suffering and will continue to suffer irreparable injury absent an injunction. The balance of equities also is in Plaintiffs' favor, and it is "always in the public interest to prevent the violation of a party's constitutional rights." *D.M. by Bao Xiong v. Minn. State High Sch. League*, 917 F.3d 994, 1004 (8th Cir. 2019) (quoting *Awad v. Ziriox*, 670 F.3d 1111, 1132 (10th Cir. 2012)).

Plaintiffs request that the Court waive the requirement of bond in Federal Rule of Civil Procedure 65(c). *Richland/Wilkin*, 826 F.3d at 1043 (whether to require bond is within court's discretion). Public interest litigation is a recognized exception to the bond requirement, especially where, as here, requiring a bond would injure the constitutional rights of Plaintiffs and the relief sought would not pose a hardship to government Defendants. *See id.*

Date: November 28, 2023

Respectfully submitted



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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper also will be served along with the Complaint and Summons on all Defendants.

Dated: November 28, 2023

/s/Thomas D. Story
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**IN THE UNITED STATES DISTRICT COURT
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GLBT YOUTH IN IOWA SCHOOLS TASK
FORCE d/b/a/ IOWA SAFE SCHOOLS, et al.,

Plaintiffs,

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KIM REYNOLDS, in her official capacity as
Governor of the State of Iowa, et al.,

Defendants.

Case No. 4:23-cv-474

**PLAINTIFFS' BRIEF IN
SUPPORT OF MOTION FOR A
PRELIMINARY INJUNCTION**

COME NOW, Plaintiffs GLBT Youth in Iowa Schools Task Force d/b/a Iowa Safe Schools (“Iowa Safe Schools”); P.B.-P., by his parent and next friend, Belinda Scarrott; P.C. and A.C., by their parents and next friends, Richard and Ulrike Carlson; T.S., by her parent and next friend, Eric Saylor; B.F.S., by their parents and next friends, Brigit and Joseph Stevens; Robert Smith, by his parents and next friends Jane and John Smith; B.F., by their parent and next friend, Lara Newsom; and James Doe, by his parent and next friend, John Doe, and submit the following brief supporting Plaintiffs’ Motion for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 and Local Rule 7(d). In support, Plaintiffs state as follows:

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INTRODUCTION

Plaintiffs move for an Order enjoining Defendants from enforcing or taking action to enforce Senate File 496, 2023 Iowa Acts ch. 91 (“SF 496” or “the law”). Plaintiffs are elementary, middle, and high school lesbian, gay, bisexual, transgender, queer, or questioning (“LGBTQ+”) students attending various public schools in Iowa (“Plaintiff Students”), and the organization Iowa Safe Schools, which seeks to support and empower LGBTQ+ students across the state.

SF 496 violates Plaintiffs’ and other students’ First Amendment, equal protection, and Equal Access Act rights by four principal means: (1) erasing acknowledgement of LGBTQ+ people and the concepts of sexual orientation and gender identity from schools with grades K–6; (2) banning any materials that contain a description or depiction of a “sex act” from all schools in all grades with a limited exception for health class; (3) specifically banning books that contain a “sex act” from all school library programs, regardless of grade, except for certain religious texts such as the Bible; and (4) requiring schools to report students for expressing transgender, non-binary, or gender non-conforming identities.

These measures collectively, coupled with draconian enforcement provisions and the message sent by the law’s enactment, communicate to all LGBTQ+ students that they are too shameful to be acknowledged. SF 496 deprives Plaintiffs of their right to free speech and expression. Plaintiff Students and others now self-censor their own identities and refrain from engaging in protected speech and expression for fear of being bullied, harassed, or disciplined by teachers simply for acknowledging who they are. SF 496 also infringes upon Plaintiff Students’ right to receive information and ideas; indeed, it explicitly requires the removal of books, uniquely focusing on books with LGBTQ+ content. The law deprives Plaintiffs of their right of expressive association; it imposes limitations on students—or outright prohibits them from—associating into gender sexuality alliances (“GSAs”). The law is so overbroad that any conceivable purpose is

entirely divorced from the protected speech prohibited. More than 1,000 books comprising of more than 450 different titles have been removed, welcoming and affirming messages have been taken down, and students have incurred penalties for being who they are. SF 496 also is unconstitutionally vague by failing to define with specificity what content is prohibited and what expression might trigger a report. In its purpose and effect, SF 496 as a whole discriminates against LGBTQ+ people and identities.

Eighty years ago, the Supreme Court recognized the mission of public schools is to educate “the young for citizenship.” For this reason, there must be “scrupulous protection of Constitutional freedoms of the individual.” *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 637 (1943). This principle remains true today. *Mahanoy Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038, 2046 (2021) (“America’s public schools are the nurseries of democracy.”). SF 496 must be enjoined.

FACTUAL BACKGROUND

SF 496 accomplishes its goal of silencing LGBTQ+ students and denying them access to books, information, and ideas about sexual orientation and gender identity in four key ways. First, SF 496 broadly prohibits “any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six”¹ (the law’s “don’t say gay or trans” provision). Second, SF 496 bans “any material with descriptions or visual depictions of a sex act” from all grades and in all contexts except, in limited fashion, health class (the “all-ages ban”).² Third, the law orders the removal from school libraries

¹ SF 496, Div. II, § 16 (Iowa Code § 279.80(1)–(2)); *id.* Div. I, § 2 (Iowa Code § 256.11(2), (3)); *id.* Div. II, § 9 (Iowa Code § 279.50(1), (1A)).

² SF 496, Div. I, § 1 (Iowa Code § 256.11 (unnumbered paragraph 1)); *id.* § 2 (Iowa Code § 256.11(2), (3), (4)); *id.* Div. I, § 4 (Iowa Code § 256.11(19)(a)–(b)).

of any book containing a “sex act,” unless that description appears in a religious text³ and creates an anonymous complaint procedure⁴ (the “library ban” and together with the “don’t say gay or trans” provision and “all-ages ban,” the “book ban” provisions). Fourth, the law requires any “licensed practitioner,” such as a teacher, to report to a student’s parents or guardians,⁵ which includes a student’s request to be addressed “using a name or pronoun that is different than [that] assigned to the student in the school district’s registration forms or records,” regardless of whether school officials are aware that a student will be rendered unsafe or vulnerable to abuse as a result⁶ (the “forced outing” requirement).

The manager of SF 496 on the Iowa Senate floor described the law as a bill that restricts “gender identity and sexual activity instruction . . . [and] inappropriate books from school libraries.”⁷ In signing remarks, Governor Reynolds suggested the bill was designed to prevent “indoctrination.” Compl. ¶ 107. In its final iteration, this sprawling bill targets LGBTQ+ students and messages with unique disfavor by limiting the information available and expressed in the school environment. To enforce these restrictions, the state threatens to investigate and discipline staff and administration found in violation, potentially resulting in loss of accreditation of the entire school. SF 496, Div. I, §§ 1–4, 9.

³ SF 496, Div. I, § 2 (Iowa Code § 256.11(9)(a)(1)); *id.* Div. I, § 2 (Iowa Code § 256.11(9)(a)(2)(a)–(b)) (enforcement); *see also* Iowa Code § 280.6.

⁴ SF 496, Div. II, § 13 (Iowa Code § 279.77(1)–(4)).

⁵ *See* Iowa Code § 272.1(8).

⁶ SF 496, Div. II, § 14 (Iowa Code § 279.78(1), (3)); *id.* Div. II, § 14 (Iowa Code § 279.78(4)(a)–(b)) (enforcement).

⁷ Iowa Sen. Rozenboom, *Senate Video (2023-03-22)*, 90th S. Sess. 73rd Day at 5:42:45 PM, (Mar. 22, 2023). All cited videos from sessions of the Iowa House or Senate are available at <https://www.legis.iowa.gov/legislation/billTracking/billHistory?billName=SF%20496&ga=90>.

SF 496 went through an unusual number of amendments, resulting in an illuminating legislative history. For example, rather than banning all materials containing a “description or visual depiction of a sex act,” the initial bill used versions of the test for obscenity established in *Miller v. California*, 413 U.S. 15, 24 (1973), and in Iowa’s existing obscenity laws, *see* Iowa Code § 728.1(5). *See* S.S.B. 1145, § 16. Finding this restriction inadequate, the Iowa Senate adopted the now-familiar “sex act” language.⁸ The Iowa House attempted to insert the qualifier, “*graphic* descriptions,”⁹ but the Senate rejected this qualification.¹⁰ Additionally, after a senator identified a potential conflict with existing Iowa law, which prohibits exclusion of the Bible,¹¹ *see* Iowa Code § 280.6, the bill was amended—not to tighten the definition of prohibited materials—but to exempt certain religious texts from its scope.¹²

Further, sexual *orientation* originally was not prohibited from discussion in grades K–6, only sexual *activity* and only in grades K–3. *See* S.S.B. 1145, § 13. The final bill included both subjects, with sponsors conflating the two, thereby sexualizing LGBTQ+ identities and people and proclaiming them inappropriate for school. Initial versions of the bill also acknowledged the forced outing provision’s potential for harm, and directed the school to report instead to the Department of Health and Human Services if it expected a student’s non-affirming parents or guardians would abuse an outed student. S.S.B. 1145, § 16. This alternative was dropped,¹³ necessarily requiring reporting to parents or guardians even if abuse is suspected to result.

⁸ Amend. S-3097 to S.F. 496, 90th Leg. Sess., (as adopted by IA Senate, Mar. 22, 2023).

⁹ Amend. H-1173 to S.F. 496, 90th Leg. Sess., (as adopted by IA House, Apr. 4, 2023).

¹⁰ S-3117 to S.F. 496, 90th Leg. Sess., (as concurred by IA Senate, Apr. 19, 2023).

¹¹ *Senate Video (2023-03-22)*, 90th IA S. Sess. 73rd Day at 6:35:39 PM, (Mar. 22, 2023) (quoting exchange between Sen. Quirnbach and Sen. Rozenboom); *see generally* Genesis 19:32–26, 38:8–9; Judges 19:24–29.

¹² Amend. H-1271 to S-3117, 90th Leg. Sess., (as concurred by House Apr. 20, 2023).

¹³ S-3097 to S.F. 496, 90th Leg. Sess., § 15 (as adopted by IA Senate, Mar. 22, 2023).

No revisions to the language can soften the blow to Iowa students from a law that at its core is designed to erase LGBTQ+ students from Iowa schools. Amidst widespread confusion and panic over the law, Plaintiff Students have closed off forms of expression in which they used to engage. They have become more reluctant to be “out” about their identities at school (Ex. 1 (“B.F. Decl.”) ¶ 6; Ex. 2 (“P.B.-P. Decl.”) ¶¶ 7–8); wear clothing that fits their identity or acknowledges they are LGBTQ+ (B.F. Decl. ¶ 7; P.B.-P. Decl. ¶ 7; Ex. 3 (“B.F.S. Decl.”) ¶ 7); ask fellow students and teachers to refer to them using accurate names and pronouns (Ex. 4 (“P.C. Decl.”) ¶ 7; P.B.-P. Decl. ¶ 13); engage in classroom discussion in a manner that reveals their identities or that brings up LGBTQ+ issues generally (B.F. Decl. ¶¶ 8–9; Ex. 5 (“Doe Decl.”) ¶ 8; Ex. 6 (“T.S. Decl.”) ¶ 4); write self-reflective essays or papers acknowledging their own LGBTQ+ identities (P.B.-P. Decl. ¶ 8); engage in political advocacy concerning LGBTQ+ topics with groups of like-minded students (P.B.-P. Decl. ¶ 12); and in myriad other ways, express themselves or their pride in their identity. Other students feel they have no other choice but to stay in the closet. Doe Decl. ¶¶ 6–7; Ex. 7 (“ISS Decl.”) ¶ 28.

The law has caused schools to restrict GSA activities, interfering with the ability of these student clubs to meet and promote on terms comparable to other clubs. ISS Decl. ¶¶ 21–29. After SF 496, certain GSAs have stopped meeting altogether, either because school districts have prohibited them or teachers have declined to serve as sponsors. Ex. 8 (“Smith Decl.”) ¶ 4; Ex. 9 (“R. Carlson Decl.”) ¶ 11; ISS Decl. ¶¶ 21–29. In other schools, SF 496 has led to a steep decline in engagement in GSAs as students from non-affirming homes have become terrified of joining such groups for fear of SF 496’s forced outing requirement. Doe Decl. ¶ 7; P.B.-P. Decl. ¶ 11; ISS Decl. ¶¶ 25–29.

Even students with substantial support at home report feeling isolated and hopeless after their legislature has targeted them and their school has ceased proactive inclusion efforts. ISS Decl.

¶ 19. Reported instances of anti-LGBTQ+ bullying and harassment are on the rise. *Id.* Most alarming is the apparent increase in suicide attempts amongst LGBTQ+ youth. *Id.* In short, SF 496 has transformed the school environment into a climate of fear and hostility for LGBTQ+ youth, with students who have been proud in expressing their identities for years now silencing themselves to avoid being disciplined, stigmatized, and harassed, and others remaining closeted. ISS Decl. ¶¶ 22, 28–29; Ex. 10 (“Stevens Decl.”) ¶ 6.

SF 496 also has forced Iowa school districts to remove wildly inconsistent lists of books from classrooms and libraries with over 450 titles removed to date.¹⁴ School districts have targeted books with LGBTQ+ themes, narratives, and other content for removal. ISS Decl. ¶ 22. Some schools and classrooms in grades K–6 now lack any books that acknowledge LGBTQ+ people or families even exist. R. Carlson Decl. ¶¶ 10–13. By contrast, books depicting heterosexual and cisgender characters, families, and narratives remain untouched and available to students. *Id.* ¶ 14. LGBTQ+ students seeking stories with LGBTQ+ characters now receive the message they are shameful and inappropriate for school. *Id.* ¶¶ 13–14; P.C. Decl. ¶¶ 3–5; B.F. Decl. ¶ 11. Students preparing for college have lost access to treasured classics and modern works of critical acclaim still taught in other states. Doe Decl. ¶¶ 11–12; Ex. 11 (“Newsom Decl.”) ¶ 10. By stifling the opportunity to read and inquire and sending the message that previously vetted literature carries hidden dangers, SF 496 disadvantages Iowa students in their personal growth and educational goals.

¹⁴ The Des Moines Register maintains an expanding database of book removals based on school districts’ responses to open records requests. Tim Webber and Samantha Hernandez, *Library books removed in Iowa school districts*, Des Moines Register (updated Oct. 19, 2023, 12 PM) <https://databases.desmoinesregister.com/database-books-removed-from-libraries-in-iowa-school-districts/> [hereinafter, “DSM Register Banned Books Database”].

ARGUMENT

Plaintiffs have established the four *Dataphase* factors, entitling them to preliminary injunctive relief: (1) Plaintiffs are likely to succeed on the merits; (2) they face irreparable harm absent the injunction; (3) Defendants incur no harm by injunction; and (4) the public interest supports enjoining SF 496. *See Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981) (en banc); *see also Rodgers v. Bryant*, 942 F.3d 451, 456 (8th Cir. 2019) (likelihood of success on First Amendment claim generally satisfies other injunction requirements); *Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng'rs*, 826 F.3d 1030, 1040 (8th Cir. 2016) (likelihood of success need only be shown on any one of multiple claims).

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THEIR CLAIMS

A. Plaintiffs Are Likely to Prevail on Their First Amendment Claims.

1. The law impermissibly chills student speech based on content and viewpoint.

SF 496 is a one-sided law that restricts protected speech based on content and viewpoint. SF 496's "don't say gay or trans," "book ban," and "forced outing" provisions and its enforcement mechanisms chill LGBTQ+ people from engaging in speech disclosing their sexual orientation and gender identity¹⁵ and expressing themselves consistent with their gender identity. It does not

¹⁵ Courts long have held that coming-out speech constitutes protected First Amendment activity. *See, e.g., Gay Students Org. of Univ. of New Hampshire v. Bonner*, 509 F.2d 652, 660–62 (1st Cir. 1974) (student speech); *Henkle v. Gregory*, 150 F. Supp. 2d 1067, 1075–77 (D. Nev. 2001) (same); *Weaver v. Nebo Sch. Dist.*, 29 F. Supp. 2d 1279, 1284–85 (D. Utah 1998). Indeed, a student's speech about gender identity can constitute core political speech subject to the most exacting scrutiny. *Parents Defending Educ. v. Linn-Mar Cmty. Sch. Dist.*, 83 F.4th 658, 666–67 (8th Cir. 2023) (citing *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 161–62 (2014)). Expression of gender identity through one's appearance such as by wearing gender-appropriate clothing also is protected expression. *See Bear v. Fleming*, 714 F. Supp. 2d 972, 981 (D.S.D. 2010) (a transgender student's choice to wear clothing that accords with the student's gender identity may be a sufficient proxy for speech to enjoy full constitutional protection).

suppress comparable speech and expressive conduct by non-gay and non-transgender people.¹⁶ Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate,” and schools may not restrict student speech merely to avoid controversy or the “discomfort and unpleasantness that always accompany an unpopular viewpoint.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506, 509 (1969); *Morrison ex rel. Morrison v. Bd. of Educ. of Boyd Cnty.*, 419 F. Supp. 2d 937, 941 (E.D. Ky. 2006) (“The private, noncurricular speech of students is entitled to almost blanket constitutional protection.”), *aff’d sub nom. Morrison v. Bd. of Educ. of Boyd Cnty.*, 521 F.3d 602 (6th Cir. 2008).

“It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.” *Rosenberger v. Rector & Visitors of Univ. of Virginia.*, 515 U.S. 819, 828 (1995). Content-based regulation is subject to “the most exacting scrutiny,” *Texas v. Johnson*, 491 U.S. 397, 412 (1989) (citation omitted). Such enactments “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Viewpoint discrimination is “an egregious form of content discrimination.” *Rosenberger*, 515 U.S. at 829. “In the ordinary case it is all but dispositive to conclude that a law is content based and, in practice, viewpoint discriminatory.” *Sorrell v. IMS Health*, 564 U.S. 552, 571 (2011); *see also, e.g., Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993).

¹⁶ SF 496 targets and chills two forms of protected First Amendment expression. First, it chills LGBTQ+ students from disclosing their sexual orientation and transgender status by speech such as “I am gay,” “I am transgender,” or “I am a girl.” By contrast, a female student who is neither a lesbian nor transgender may disclose these facts without consequence. Thus, SF 496 attaches different consequences to the same speech based on the speaker’s identity, constituting impermissible viewpoint discrimination. *See Police Dep’t of City of Chicago v. Mosley*, 408 U.S. 92, 96 (1972). Second, and equally impermissible, SF 496 chills speech and conduct that reveals or conforms with a person’s sexual orientation and gender identity, even implicitly (e.g., a student’s decision to wear a dress, or a student’s depiction of two same-sex parents in a drawing). SF 496 does not similarly chill speech and conduct that implicitly reveal the sexual orientation and gender identity of a heterosexual cisgender person.

SF 496 causes a reasonable speaker to self-censor, objectively chilling protected expression. *Virginia v. Am. Booksellers Ass'n, Inc.*, 484 U.S. 383, 392–93 (1988). For example, Plaintiff A.C., a fourth grader, “conceals herself instead of taking pride in who she is” at school (P.C. Decl. ¶ 10), for fear “that being honest and open about her identity will get her, or any teachers or staff who might show support for her, into trouble” given the law’s blanket prohibition on promotion or instruction related to her identity (R. Carlson Decl. ¶ 15). Prior to SF 496, A.C. “felt comfortable sharing the fact that she is trans with close friends in her classroom,” but now she feels unsafe doing so. Ex. 12 (“U. Carlson Decl.”) ¶ 10. Similarly, Plaintiff P.B.-P. used to refer to his identity as transgender in class or related schoolwork when it was relevant, as in self-reflective essays. P.B.-P. Decl. ¶ 8. SF 496 causes P.B.-P. to self-censor such references. He also has stopped wearing clothing that could identify him as LGBTQ+ or express pride in his identity. *Id.* ¶¶ 7–8. Although P.B.-P. previously engaged in core political speech, leading a protest of Iowa students against anti-LGBTQ+ legislation, he now is terrified of staging another. *Id.* ¶ 12. Plaintiffs P.B.-P., T.S., B.F., and B.F.S. feel as though they have targets on their backs and self-censor in numerous contexts at school to avoid the shame of being silenced or disciplined, to avoid placing teachers in the position of violating of the law, or because they reasonably fear the law will impede efforts by teachers to prevent bullying and harassment based on their LGBTQ+ identities. P.B.-P. Decl. ¶ 6; B.F. Decl. ¶¶ 6–7; T.S. Decl. ¶ 4; B.F.S. Decl. ¶ 4; Newsom Decl. ¶ 8.

These fears are reasonable, especially given how school districts have implemented the law already, targeting LGBTQ+ books, rainbow images, and safe space stickers for removal and obstructing the ability of GSAs to meet if they are allowed to meet at all. These actions communicate that the law condemns any acknowledgement that LGBTQ+ people exist. Additionally, the law’s vague language and draconian enforcement mechanisms, coupled with its anonymous complaint procedure, sweep broadly, incentivizing the suppression of speech. *See 281*

Care Comm. v. Arneson, 766 F.3d 774, 782 (8th Cir. 2014) (plaintiffs’ decision to chill their speech objectively reasonable, especially in light of a complaint procedure open to the public). Because the law lacks a legitimate government justification, let alone the narrow tailoring required in service of a compelling one, *see infra* Sections I.A.4–5, III, SF 496 violates the First Amendment.

2. The law violates students’ right to receive information and ideas.

Students have a First Amendment right to be free from official conduct in school intended to suppress ideas based on disapproval of their content. *See Pratt v. Indep. Sch. Dist. No. 831*, 670 F.2d 771, 776–79 (8th Cir. 1982); *see also generally Campbell v. St. Tammany Par. Sch. Bd.*, 64 F.3d 184, 188–89 (5th Cir. 1995) (citing *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 872 (1982) (plurality)); *Fayetteville Pub. Libr. v. Crawford Cnty.*, No. 23-5086, 2023 WL 4849849, at *3 (W.D. Ark. Jul. 29, 2023). Schools may not remove books containing LGBTQ+ content from school libraries to “prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *Pico*, 457 U.S. at 854 (quoting *Barnette*, 319 U.S. at 642). “[T]he Constitution protects the right to receive information and ideas,” a right that extends to students with respect to school library materials. *Id.* (quoting *Stanley v. Georgia*, 394 U.S. 557, 564 (1969)). Restrictions on this right constitute a First Amendment injury. *Id.* The library, a noncurricular space, is outside the scope of otherwise permissible content-based restrictions on speech in the school setting. *Id.* at 869; *Pratt*, 670 F.2d at 776; *Minarcini v. Strongsville City Sch. Dist.*, 541 F.2d 577, 581–82 (6th Cir. 1976). SF 496’s multiple book ban provisions target content of relevance to LGBTQ+ students and have caused school districts to remove more than 1,000 books from school libraries.¹⁷ Plaintiff Students are deprived of books

¹⁷ Hernandez, *Iowa’s proposed rules on banning books in schools are out. Here’s what you should know.*, Des Moines Register, Nov. 15, 2023, <https://www.desmoinesregister.com/story/news/education/2023/11/15/iowa-releases-proposed-rules-for-law-on-banned-books-gender-identity/71584498007/>.

they wish to read. *See, e.g.*, T.S. Decl. ¶ 7. The law, on its face and as applied, unconstitutionally censors LGBTQ+ content and viewpoints in violation of the First Amendment, stigmatizing those students who wish to read this material. *See Counts v. Cedarville Sch. Dist.*, 295 F. Supp. 2d 996, 998–99 (W.D. Ark. 1995).

3. The law violates students’ rights of expressive association.

The First Amendment protects the freedom of expressive association. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 617–18 (1984). The freedom to “engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.” *NAACP v. State of Alabama ex rel. Patterson*, 357 U.S. 449, 460 (1958). These protections apply to students who wish to join together in noncurricular clubs such as GSAs in school settings for purposes of social networking, political advocacy, mutual support, and public education.¹⁸ *See, e.g., Gay & Lesbian Students Ass’n v. Gohn*, 850 F.2d 361, 367–68 (8th Cir. 1988) (denial of funding to GSA viewpoint discriminatory); *Gay Lib v. Univ. of Missouri*, 558 F.2d 848, 856 (8th Cir. 1977); *Bonner*, 509 F.2d at 660. Based on viewpoint, SF 496’s don’t say gay or trans, all-ages ban, and forced outing provisions, on their face and as implemented, have obstructed and interfered with the ability of students to associate for these purposes in violation of the First Amendment. Some school districts have shuttered GSAs altogether in younger grades, prohibiting them from meeting. R. Carlson Decl. ¶ 11; ISS Decl. ¶ 26. In others, the law has made it impossible to find a teacher willing to

¹⁸ GSAs lead to “feelings of school connectedness among [LGBTQ] students,” as well as “increasing young people’s sense of purpose, self-esteem, and agency.” Gay-Straight/Genders & Sexualities Alliances, CDC.gov, <https://www.cdc.gov/healthyouth/safe-supportive-environments/sexuality-alliances.htm> (last visited Nov. 15, 2023). GSAs offer myriad other positive influences in students’ lives, leading to “reduced risk across health outcomes related to HIV and other STDs, including experiencing violence, illicit drug use and prescription drug misuse, and suicidal ideation.” *Id.* And these prevention benefits are even documented for heterosexual youth. *Id.*

serve as a sponsor, resulting in the GSA's closure. Smith Decl. ¶ 4; ISS Decl. ¶¶ 26, 29. Many more have imposed restrictions not imposed on other clubs or witnessed the number of GSA members dwindle as a result of students' fears they will be reported and outed to their parents if they attend. P.B.-P. Decl. ¶¶ 10–11; Doe Decl. ¶¶ 5–9). The First Amendment forbids such limitations on students' rights of expressive association.

4. The law is unconstitutionally overbroad.

Even if SF 496 had a legitimate purpose (which it does not), it sweeps far too broadly. SF 496 is a “prohibition of alarming breadth.” *United States v. Stevens*, 559 U.S. 460, 474 (2010). It covers a “a substantial amount of expressive activity;” indeed, “[i]t is hard to imagine any scenario in which the elements of the statute would be met and yet the actions would constitute non-expressive conduct.” *Snider v. City of Cape Girardeau*, 752 F.3d 1149, 1158 (8th Cir. 2014).

First, the book ban provisions are not limited to targeting “pornography” in school libraries. The materials prohibited under SF 496 are those that include “descriptions or visual depictions of a sex act.” Intentionally, there is no regard for the work as a whole, contemporary community standards as to what is suitable for minors, its intended appeal or offensiveness, or its value. *Cf.* Iowa Code § 728.1(5). It thus is not surprising that classic works, such as *I Know Why the Caged Bird Sings*, *As I Lay Dying*, *Their Eyes Were Watching God*, *Slaughterhouse Five*, and *1984* have been removed from various Iowa schools.¹⁹ If the State had meant to remove pornography from school libraries, it could have enforced existing law; instead, it intentionally opted for a law that sweeps up far more.

Second, the don't say gay or trans provision reaches a wide swath of constitutionally protected speech. SF 496's all-encompassing scope as to what activities qualify for restriction,

¹⁹ Referenced book removals sourced from the DSM Register Banned Book Database, *supra* note 14.

including any speech that merely “relat[e] to” these topics, forces schools to prohibit anything that might acknowledge the existence of an LGBTQ+ student or make an LGBTQ+ student feel welcome, such as pride flags, safe space signs, or rainbow stickers. Compl. ¶ 136. Schools have even removed children’s picture books like *Prince and Knight*, *And Tango Makes Three*, and *This Day in June*, as well as educational books such as *Marriage Rights and Gay Rights: Interpreting the Constitution*, *Frequently Asked Questions about Same-Sex Marriage*, and *Who Was Harvey Milk?*.²⁰ If there were a legitimate purpose to this provision, it cannot extend so far as to remove the concept of LGBTQ+ people from the school entirely.

Third, the forced outing provision, the objective of which ostensibly is to encourage parental participation in the child’s upbringing, does not align with its effect. For one, this provision does not speak to parental consent to gender-affirming “accommodations,” but only to their disclosure. Moreover, by mandating reporting on any undefined, and thus broadly interpreted, “request” for an “accommodation” (regardless of whether that request occurs in school), the provision operates as little more than a penalty on expression. Most alarmingly, it makes no exception for children in unsafe or unstable home environments.

Finally, “a limiting construction or partial invalidation” cannot rescue SF 496. *Broadrick v. Oklahoma*, 413 U.S. 601, 613 (1973). “No limiting construction would be consistent with any plausible understanding of the legislature’s intent,” *see Snider*, 752 F.3d at 1159, and none has been offered. The Department’s recent attempts continue to require the erasure of LGBTQ+

²⁰ These book removals do not even take into account that “gender identity” and “sexual orientation,” according to SF 496 and the Iowa Civil Rights Act, encompass *any* gender identity or sexual orientation. *See* SF 496, Div. II, § 16 (Iowa Code § 279.80(1)(a)–(b)); Iowa Code § 216.2(10), (14). Thus, if the law were taken literally, rather than as intended, it would equally suppress materials depicting cisgender and heterosexual identities.

identities and topics and put children at risk. *See generally* ISBE, Notice of Intended Action (Nov. 15, 2023) (hereinafter, “Proposed Rules”).

5. The law is unconstitutionally vague.

SF 496 imposes unconstitutionally vague censorship on students’ own expression and the materials they choose to access at school. First Amendment “freedoms are delicate and vulnerable, as well as supremely precious in our society,” and it is for this reason the “government may regulate in the area only with narrow specificity.” *NAACP v. Button*, 371 U.S. 415, 433 (1963); *see also id.* at 432 (“[S]tandards of permissible statutory vagueness are strict in the area of free expression.”). The severity of the enforcement mechanism—loss of professional licensure and even potential loss of school accreditation—further lessens the degree of tolerable vagueness. *See Sessions v. Dimaya*, 138 S. Ct. 1204, 1212–13 (2018). SF 496 “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits,” and “it authorizes or even encourages arbitrary and discriminatory enforcement.” *Hill v. Colorado*, 530 U.S. 703, 732 (2000); *see also Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972); *Stephenson v. Davenport Cmty. Sch. Dist.*, 110 F.3d 1303, 1308 (8th Cir. 1997).

First, in the all-ages ban, there is no satisfactory definition of what constitute a “description or visual depiction of a sex act” to render a book inappropriate for students whose ages may range from 5 to 18. Although Iowa Code defines what constitutes a “sex act” “between two or more persons,” *see* Iowa Code § 702.17, SF 496 does not state how detailed the description of such act or how visible its depiction must be to be rendered inappropriate. The Department’s Proposed Rules merely add, unhelpfully, that a “reference” or “mention” may under certain circumstances be acceptable, provided they do not rise to a description. Proposed Rules, Item 2 (281 Iowa Admin. Code r. 12.2). Books provide innumerable means of expression; this ambiguity renders the statute hopelessly vague. By cherry picking only one incomplete prong of the *Miller* test, the State has

created substantial uncertainty as to SF 496’s scope. *See Reno v. ACLU*, 521 U.S. 844, 846, 873 (1997) (“Each of *Miller*’s other two prongs also critically limits the uncertain sweep of the obscenity definition.”). Any person who must determine what is prohibited will unavoidably review the work based their own idiosyncratic opinion.²¹

Second, the law’s don’t say gay or trans provision does not explain how a “program, curriculum, test, survey, questionnaire, promotion, or instruction” might “relat[e] to gender identity or sexual orientation.” The Department’s proposal to add, without explanation, that a “neutral statement regarding sexual orientation or gender identity” is somehow outside the law’s ambit is entirely unclear. Proposed Rules, Item 5 (281 Iowa Admin. Code r. 12.3(15)(c)). For example, would a children’s book on diversity of families be considered neutral or does it promote the concept of sexual orientation? What about a student essay about Harvey Milk or the challenges a student overcame as an LGBTQ+ person? Or an assembly to address anti-LGBTQ+ bullying? SF 496 and the Proposed Rules leave interpretation to the whims of school administrators and teachers to set policy based on their own understanding and run classrooms based on their own risk tolerance; at the center, students are left without any assurance what conduct is prohibited.

Third, neither SF 496 nor the rules satisfactorily define a “request” for a gender-affirming “accommodation”²² that would trigger the law’s forced outing provision. What exact words and

²¹ Samantha Hernandez and Katie Akin, *Iowa schools are pleading for state guidance on ban on books with sex. Will it come too late?*, Des Moines Register (Updated Jul. 10, 2023, 8:14 AM CT), <https://www.desmoinesregister.com/story/news/education/2023/07/09/iowa-schools-still-waiting-for-guidance-on-new-ban-on-books-with-sex-department-of-education-lgbtq/70357682007/> (reporting confusion amongst educators across the state on what books must be removed under SF 496).

²² Teachers and administrators ordinarily understand an “accommodation” as a change in standard procedure warranted by and subject to the substantive and procedural safeguards of, the Individuals with Disabilities Education Act, 30 U.S.C. §§ 1400 *et seq.*, section 504 of the Rehabilitation Act, 29 U.S.C. §§ 794, 794a, or Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.* But teachers and administrators would not expect a student’s nickname to be an “accommodation” as those laws use that term. The Iowa legislature’s sporadic use of legal terms of art in contexts to which they do not apply only further confounds interpretation of its intent.

phrases will trigger a report home and how would students have notice? The proposed rules state a “request is governed by this subrule only if the request is an accommodation intended to affirm a student’s identity,” but how is a teacher to know? Must they interrogate the child? Also, if “gender identity” includes cisgender identity, don’t all nicknames necessarily affirm one’s identity? The “grave uncertainty,” *Johnson v. United States*, 576 U.S. 591, 597 (2015), and the significant consequences—both to students from non-affirming homes and students who do not wish to see a teacher disciplined for failure to report them—unavoidably has chilled student speech. *See supra* Section I.A.1; *see also Cramp v. Bd. of Pub. Instruction of Orange Cnty.*, 368 U.S. 278, 287 (1961) (a vague law abutting First Amendment freedoms “operates to inhibit the[ir] exercise”).

B. Plaintiffs Are Likely to Prevail on Their Equal Protection Claim.

SF 496 violates the Fourteenth Amendment’s equal protection guarantee. U.S. Const. amend. XIV, § 1. Classifications based on sex, sexual orientation, and gender identity/transgender status all warrant heightened scrutiny. *See, e.g., Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1689–90 (2017) (sex); *Brandt by & through Brandt v. Rutledge*, 47 F.4th 661, 669–70 (8th Cir. 2022) (sex); *Baskin v. Bogan*, 766 F.3d 648, 654–657 (7th Cir. 2014) (sexual orientation); *Glenn v. Brumby*, 663 F.3d 1312, 1317 (11th Cir. 2011) (transgender status). Because these traits “generally provide no sensible ground for differential treatment,” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985), the Equal Protection Clause requires that government provide an “exceedingly persuasive justification” for legislation that differentiates on those bases, *United States v. Virginia*, 518 U.S. 515, 531 (1996). Classifications based on sexual orientation and transgender status warrant such scrutiny both in and of themselves and as forms of sex discrimination. *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1747 (2020) (discrimination on the bases of sexual orientation and transgender status “necessarily entails discrimination based on sex”); *accord Horton v. Midwest Geriatric Mgmt., LLC*, 963 F.3d 844, 847 (8th Cir. 2020). LGBTQ+

students well understand the lopsided anti-LGBTQ+ purpose of the law, which legislators described as necessary to combat a “sinister agenda” of a “sexually deviant” “extreme and extremely loud minority.” Compl. ¶¶ 86–91. Its effect has been to stigmatize and silence LGBTQ+ students (P.B.-P. Decl. ¶¶ 7–9, 12), make them feel “unwanted and shameful” (B.F. Decl. ¶ 6), “unsafe” (P.C. Decl. ¶ 10; Smith Decl. ¶ 8), deprive them of access to literature reflecting their own identities (T.S. Decl. ¶ 7), and heighten their fears of violence and harassment in school (P.B.-P. Decl. ¶ 6; Stevens Decl. ¶¶ 7–8; Newsom Decl. ¶ 8), while imposing no such burdens on heterosexual cisgender students. *See Heckler v. Mathews*, 465 U.S. 728, 739–40 (1984) (laws that discriminate by perpetuating archaic and stereotypic notions about a disfavored group, or that target members of the group as innately inferior, cause cognizable dignitary injury). Because SF 496 singles out LGBTQ+ people and topics for differential treatment and lacks adequate tailoring in service of even a legitimate governmental purpose, let alone the exceedingly persuasive one required, *see infra* Sections I.A, III, it violates the Equal Protection Clause of the Constitution.

SF 496 fails to serve even a legitimate governmental purpose, let alone the compelling one required. *Reed*, 576 U.S. at 164 (strict scrutiny applies both to content-based restrictions on speech, and to laws that, while facially content-neutral, either cannot be justified without reference to the content of the regulated speech or were adopted by the government because of disagreement with its message). The purpose and effect of SF 496 is to suppress speech, expression, information, and ideas about LGBTQ+ people and identities while leaving untouched comparable speech, expression, information, and ideas concerning non-gay and non-transgender people and identities. *Supra* Section I.A.1–3; *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–66 (1977) (facially neutral law may nonetheless violate Equal Protection Clause if it has a discriminatory purpose and effect). Even under the lowest level of scrutiny, governmental action must not disadvantage a disfavored group for its own sake, *U.S. Dep’t of Agric. v. Moreno*, 413

U.S. 528, 534 (1973), and must bear at least a rational relationship to a legitimate governmental interest, *City of Cleburne*, 473 U.S. at 446.

SF 496 also cannot be justified as necessary to protect students from obscene materials. Prior to SF 496, Iowa law already protected students from dissemination of obscene material, barred minors from premises where such material is exhibited, and carefully regulated school libraries and collections. *See* Iowa Code §§ 728.2, 728.3; 281 Iowa Admin. Code r. 12.3(12)(a)–(c). A restriction on protected speech lacks sufficient tailoring to survive review when pre-existing laws already address more directly the professed government interest justifying the challenged law. *See 281 Care Comm.*, 766 F.3d at 789. Imagined threats, conjecture, and “common sense” alone cannot justify a content-based restriction on protected speech. *Id.* at 790–91.

Nor may the State justify the law as promoting “parental rights in education.” The government may not enact a law endorsing the hostility of certain parents to acknowledging in school that LGBTQ+ people exist. *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984) (“private biases” are not “permissible considerations for” governmental action); *see also Obergefell v. Hodges*, 576 U.S. 644, 672 (2015) (personal religious or philosophical objections to gay people may not constitutionally be given the imprimatur of the Government). “The Constitution confers upon no individual the right to demand action by the State which results in the denial of equal protection of the laws to other individuals.” *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948). Protecting the interests of people with personal or religious objections to gay people cannot be a valid rationale for any law. *Romer v. Evans*, 517 U.S. 620, 635 (1996) (such a law was “a classification of persons undertaken for its own sake, something the Equal Protection Clause does not permit.”). In sum, SF 496 lacks any legitimate justification, let alone narrow tailoring in service of a compelling one.

C. Plaintiffs Are Likely to Prevail on Their Equal Access Act Claim.

The Equal Access Act (“EAA”) prohibits any public secondary school from discriminating against students who wish to conduct a meeting within a limited open forum based on the “religious, political, philosophical, or other content of the speech at such meetings.” 20 U.S.C. §§ 4071(a) and (b); *Bd. of Educ. of Westside Cmty. Sch. v. Mergens By & Through Mergens*, 496 U.S. 226, 235 (1990). “A ‘limited open forum’ exists whenever a public secondary school ‘grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.’” *Mergens*, 496 U.S. at 235 (quoting 20 U.S.C. § 4071(b)); *SAGE v. Osseo Area Schs.—Dist. No. 279*, 540 F.3d 911, 913 (8th Cir. 2008). Thus, once a school permits any noncurricular group to meet, the EAA requires the school to allow GSAs on the same terms as other noncurricular clubs. *See, e.g., SAGE v. Osseo Area Schs.—Dist. No. 279*, 471 F.3d 908, 913 (8th Cir. 2006). Because SF 496 requires school districts across Iowa to obstruct the ability of GSAs, including ISS member GSAs, to meet on the same terms as other noncurricular clubs, *see supra* Section I.A.3, the law violates the EAA.

II. SF 496 HAS CAUSED AND WILL CONTINUE TO CAUSE PLAINTIFFS IRREPARABLE HARM

Plaintiffs have identified numerous ways in which SF 496 has forced them into silence and caused harm to LGBTQ+ students. *See supra* Section I.A.1–3. “It is well-established that ‘[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Powell v. Noble*, 798 F.3d 690, 702 (8th Cir. 2015) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); *see also D.M. by Bao Xiong v. Minnesota State High Sch. League*, 917 F.3d 994, 1004 (8th Cir. 2019) (students denied opportunities based on sex suffer irreparable harm sufficient to warrant preliminary injunction in equal protection claim); *SAGE*, 471 F.3d at 913 (preliminary injunction granted under EAA). Plaintiffs no longer can access a diverse selection

of books at school, fear to speak about and express their identity, and face hurdles to participate in noncurricular groups. *See supra* Section I.A.1–3.

III. THE BALANCE OF THE EQUITIES WEIGHS IN FAVOR OF PLAINTIFFS

There is no harm to Defendants from enjoining a law infringing upon Plaintiffs’ and others’ First and Fourteenth Amendment rights. The State maintains the authority to prosecute the dissemination or exhibition of obscene material to minors. *See Iowa Code* § 728.2. Those who wish to object to books or materials in the school may do so; Plaintiffs do not challenge Defendant School Districts rules and procedures that existed prior to SF 496 and allow the submission of a request to remove books or other materials from the school. The Department of Education remains able to offer guidance and engage in rulemaking to ensure Iowa schools follow “a multicultural, gender-fair approach” consistent with the educational standards previously set forth. *See Iowa Code* § 256.11 (2022). In contrast, right now, the rights of Plaintiffs and others like them are being eroded, and with each day that passes, they suffer further irreparable harm.

IV. ENJOINING SF 496 IS IN THE PUBLIC INTEREST

“[I]t is always in the public interest to protect constitutional rights.” *D.M. by Bao Xiong*, 917 F.3d at 1004 (internal quotations and citation omitted). All Iowa schools benefit when students can express themselves and explore their identities. Iowa communities value diversity in thought and person. It is a disservice to Iowa students, and contrary to the goals of public education, to limit the freedom to learn and grow. There is no legitimate public interest in the suppression of statutory and First and Fourteenth Amendment rights.

CONCLUSION

For the foregoing reasons, enforcement of SF 496 should be enjoined during the pendency of this action. SF 496 is unconstitutional on its face and as applied to Plaintiff Students. It violates Plaintiffs’ and other students’ First and Fourteenth Amendment rights and statutory rights.

Date: November 28, 2023

Respectfully submitted



/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper also will be served along with the Complaint and Summons on all Defendants.

Dated: November 28, 2023

/s/Thomas D. Story
Thomas D. Story

Exhibit 1

Declaration of B.F.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKI PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

DECLARATION OF B.F.

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, B.F. and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is B.F. I am 16 years old. I have personal knowledge of the facts as stated herein.
2. I am pansexual, non-binary and use they/them pronouns.
3. I am in the 11th grade at Urbandale High School in Urbandale, Iowa. I was born in Los Angeles but moved home to Iowa when I was five weeks old. The house I live in with my mom, dad, and sister is the only home I remember. I love making art and enjoy drawing and making ceramic sculptures of the characters I create. In school I enjoy working on the tech crew of the theater department. My family fosters kittens and we have helped over 100 cats and kittens find their forever homes, we currently have four kittens that we are working to socialize.
4. I first discovered I was trans around the end of 6th grade. One of my friends at the time had come out and it helped me figure out who I was. It was really important at the time that

I had good representation of people like me at my school. One of the things I looked for was LGBTQ+ representation in books. We went to the library every other week I think and I would always look in the graphic novels section and read the books that had some sort of LGBTQ+ representation. Books like *Heartstopper*, by Alice Oseman, *Lumberjanes*, by Shannon Watters, Grace Ellis, Gus Allen, and ND Stevenson, *Drama*, by Raina Telgemeier, and *Laura Dean Keeps Breaking Up With Me*, by Mariko Tamaki, were and are ones that I enjoy.

5. The GSA (Gay Straight Alliance) Club we had at Urbandale Middle School (6-8 grades) was really helpful. It gave me the chance to talk with other students and teachers about my experiences. These things really helped me work through who I was and how to deal with my newfound identity.

6. When I first heard about this law, SF 496, I was frankly insulted. It made me feel unwanted and shameful. It'll make other kids/teens like me feel unwelcome in their schools. I am thankful that I have a good support system at home and in my friend group so that I can handle any discrimination that goes on at my school. However, since this new law has passed, I've been more fearful of being openly out at school. I worry that something I say could get a supportive teacher fired or that another student will think it's okay to bully me. The only thing the law does is spread a message of hate, and it feels like the school isn't able to do anything to support us.

7. I usually dress in dark, alternative fashion. My hair is split dyed, one half red and the other brown which is my natural hair color. Over the past few years I've dealt with harassment. People would call me emo, faggot, telling me to kill myself or calling me a slut. This school year I've had multiple people think it's okay to harass me. It's a lot of the same stuff, getting insulted for expressing myself. But it's worse. It makes being at school uncomfortable and not as safe as

before. Considering that it's only the first few months of the school year and I've already had multiple instances of people harassing me, the new law definitely makes school feel less safe.

8. I used to feel comfortable discussing my identity and pronouns in class. Expressing myself hasn't been a huge issue for me. After the law passed, though, I have been more careful on certain things I say in fear of getting my teachers in trouble. If one of my teachers shows support for me when I'm discussing things pertaining to my identity and a student reports that or if the wrong teacher or administrator hears that they could get in trouble. I would feel guilty if something I said got a supportive teacher I liked fired. It would be different if I got in trouble for talking about my opinions and identity. If someone tried to get me in trouble, I know my parents would back me up and I would defend myself as well. Some of my teachers may need their job though and it's important to them.

9. I'm worried about talking to teachers about these issues both in and out of class. I understand there is a system that monitors school emails and flags certain words. I know that it flags things like swears and words of violence, but I'm worried the school is using it to flag certain words pertaining to LGBTQ+ themes. Not knowing if it is being used for that makes me reluctant to send emails talking about those themes in the possibility that a teacher could get fired.

10. I know Urbandale released a list of the books that were being banned because of the new law. Seeing the books that were being banned was insulting and frankly idiotic. They claim that the books that are being banned are because they're "pornographic." I don't know if they know what a pornographic piece of literature/media is or what the word even means. I know a lot of the books that are being banned mention sexual assault. It's insulting to our intelligence that they think we're too immature to be reading these books. I feel sad for kids that are dealing

with those issues in real life. Reading books that speak honestly about tough issues helps kids feel less alone.

11. In the first list Urbandale released, LGBTQ+ themes or characters was the only reason given for removing a lot of books, including books that were important to me growing up. I know they've said they are changing it, but a lot of the books that are still being banned are books with LGBTQ+ themes and characters. LGBTQ+ people are not inappropriate. It's degrading that people, including our government, think that me and my friends are too inappropriate to even be in the school. It makes me feel like I should be ashamed of who I am. And, like I said before, one of the things I looked for when I was discovering my identity was representation in books. I'm worried about those kids that won't have that opportunity anymore, because they don't have supporting parents, or don't have money for books, and now they can't get them at school, either. Just seeing books with LGBTQ+ representation on the shelves is important to me and I know it is to other kids growing up, too.

12. There are things on the list of banned books I'd like to read like *Call Me By Your Name*, by Andre Aciman, or *The Color Purple*, by Alice Walker. If they weren't banned, I'd check them out from school. I think some of the books on the list are even recommended reading before college. The list will definitely alter our curriculum, and I'm worried that I am going to miss out on books other kids from other schools are reading and talking about in class. Now I have to find and buy these books myself, and I don't get to work through them with other students.

13. I have a few friends that are not out to their parents. There is a possibility that they could be outed to their parents that are not supportive and could be kicked out or worse. I don't know what would happen if they got outed and that's what's so scary about it. With my teachers it doesn't let us have a proper relationship that I've had with other teachers before the law. I would

love to be able to connect with them in a way I'm passionate about but I am unable to with the risk of them getting fired.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 24 day of November, 2023, at Urbandale, Iowa.

Respectfully Submitted,

BF

B.F.

Exhibit 2

Declaration of P.B.-P.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKI PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
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Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

**DECLARATION OF
P. B.-P.**

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, P. B.-P. and pursuant to 28 U.S.C §1746, declare under penalty of perjury that the following is true and correct:

1. My name is P. B.-P. and I am a 16 year-old boy. I have personal knowledge of the facts as stated herein.
2. I am a junior at Waterloo West High School in Black Hawk County, Iowa. I am a transgender young man who uses he/him and they/them pronouns.
3. I live with my mother, and my father lives a few minutes away. One of my two siblings is also queer. We all moved to Waterloo before my freshman year of high school from Waverly, a much smaller town where everyone knew me before my transition. Moving allowed me to get a fresh start and be gendered correctly by everyone around me. My life now is filled with joy, friends, family, and activities I enjoy. I play the cello in multiple orchestras, I perform in my school's plays, and I play roller derby. I spend my time doing things I love, which has helped me

conquer my depression and become truly happy. I am in an incredibly rare position where I have transitioned with a loving support system to lean on, and enough money to fund my medical transition. All of this has helped me to grow into myself and made me feel secure in who I am, which is incredibly rare, especially at such a young age. But SF 496 restricts my rights and freedoms to be who I am without worry, and leaves me concerned for my friends who do not have as many supportive people around them.

4. I discovered my identity when I was in the 7th grade. I was visiting my local public library when I picked up a book called *Gracefully Grayson* by Ami Polonsky. On the back of the book, it said, “What if who you are on the outside doesn’t match who you are on the inside?” When I read that, my heart stopped. I had thought those exact words in elementary school, staring at a mirror wondering why I couldn’t relate my face to myself. I flew through that book, and it made me realize that I was not a girl. Without that story, I don’t know how long I would have gone feeling out of place in my own skin. Queer literature was the start of my journey into knowing myself, and it remains a big part of my life. *Hell Followed With Us* by Andrew Joseph White made me feel powerful in a way nothing else has. *Orlando* by Virginia Woolf made me realize that queerness does not need to be labeled the way it is today. *Heartstopper* by Alice Oseman, *Good Omens* by Terry Pratchett and Neil Gaiman, and *Red, White, and Royal Blue* by Casey McQuiston are all beautiful stories that give me hope that one day, my life could be filled with as much laughter and queer joy as those characters had. Storytelling has existed for as long as people have, because we share our joy and ideas as a form of connection. Limiting that expression limits our humanity.

5. I have been told by my librarians that Waterloo West High School is waiting for more direction from the state before they remove any books from the shelves. The librarians are very accepting and kind, and they understand the importance of keeping all literature available to

students. There are many LGBTQ+ books in our library that would be targeted under SF 496. Many I have checked out and I adore. Being able to access these books at school makes me feel safe and welcomed in that library, and I'm sure it does for many others. As I mentioned, I discovered my transgender identity through a book. Keeping that book and others like it on the shelves gives that same opportunity to other young kids seeking to understand themselves. I have recommended *Gracefully Grayson* to many of my friends, and lent my personal copy out. I believe it helped another young kid understand their identity. Without representation in books, kids will struggle for longer to find out who they are. These books also bring joy to me and others, which is very valuable in a world that has so many challenges for us specifically.

6. SF 496 has heightened my own fear of violence and harassment in school, and I know my fears are shared by other LGBTQ+ students. Such fears are reasonable given our past experiences of bullying and harassment in Waterloo schools. For example, in 9th grade, I participated in a school play. When I was on stage, delivering a monologue, a middle school kid shouted that he was going to shoot me, identifying me by name. Although I didn't hear the words myself, I was told about it afterward, and I learned that the student had been goaded on by others. The school reported the threat to the police, but no action was taken by the police to my knowledge, nor did my school ever check in with me to ask how I was doing or how they could help. My understanding is that the student threatened me in this way because I staged a protest for the rights of transgender Iowans. I assume they knew my name from the press coverage of the event. This experience changed the way I navigate the world. I don't know what the student looks like, so I could be going to school with the person that threatened my life. I have tried my best to not let it affect me, but I know it has scarred me and left me anxious whenever I express my identity. Even when I am not wearing pride flags or talking about being transgender, I am often still harassed. On

multiple occasions, classmates have yelled at me in the halls demanding to know whether I am a boy or a girl, at lunch people have yelled “faggot” at me and my friends, and kids have yelled and laughed at us with no provocation. Things are worse this year. After SF 496, I feel as though I have a target on my back. This law gives confidence to those who believe something is wrong with me, because the law reflects that belief.

7. Despite the bullying and harassment I experienced, I used to feel more comfortable wearing clothing or buttons with the pride rainbow flag or other indicators that I am a member of the LGBTQ+ community. However, now, after passage of SF 496, my worries about being a target have reached a new high. I do my best to remain confident in myself, but my pride has dwindled to a small pin on my bag and a sticker on my water bottle. Anything else, and I feel unbearably anxious, looking over my shoulder and stressing over who is looking at me and judging me. It is ultimately more trouble than it is worth, but I also love to wear pride apparel. Having a stranger compliment a little rainbow gives an immediate sense of security and community with that person. It’s devastating that I have to give it up just to feel safe.

8. In the past, I sometimes referred to my identity as transgender in class or related school work. My transgender identity is a big part of my life, and is woven into my experience of the world, so whenever I talk about myself, I am inherently talking about being transgender. Especially in my English classes, where there are plenty of essays on self-reflection or our subjective opinions, my identity comes up in almost all of them. I have written assignments on overcoming personal challenges, what I would say to my younger self, what it means to be American, and many others that all have mentions of me being queer. But after the passage of this law, I find myself hesitant to bare that part of me to my teachers and classmates. Instead of writing my whole story, I omit parts in order to feel safe letting others read it. Many of my teachers are

wonderful people who I adore, and who I trust with my identity, but I also worry about getting them in trouble. If my conversation with a teacher on how this law is affecting me, or just friendly jokes that have something to do with my identity are overheard and reported, could my teacher get in trouble? That is the last thing I would wish on any of them. They shouldn't have to worry about talking with a student freely, which should be a protected right. After SF 496, I now never mention being transgender in class discussions, even when I want to share, and know my point of view would be a valuable and unique one, for fear that my teacher could get in trouble if they allow that conversation.

9. Before SF 496, I knew that a teacher could help create an environment of understanding and inclusion of all students, but now, they cannot, at least when it comes to me and other transgender and queer students. So I fear judgment from other students, as well. We should have the right to speak freely in a classroom, because classrooms exist for us to learn about alternate points of view of the world to enrich the mind. Without free discussion, we cannot do this.

10. I am the president of the Gay Straight Alliance ("GSA") at my school. We meet every Tuesday after school, and continue to do so this year. This GSA means a lot to me and the other members. It is a place where we can all feel comfortable sharing ourselves and where we can find community. We have a wonderful faculty advisor who oversees our meetings and who is not going to back down in the face of this law. Even prior to SF 496, we have, in the past, been denied publicity that other clubs have access to without question, such as mentions in the yearbook. We were told it was a privacy issue to have a picture of our members in case a parent was not accepting. However, it is an easy fix to simply take a picture only of those who wish to be in it. When I brought this up to an administrator, we eventually gained permission to have a picture in the

yearbook, but I should not have had to fight for that. After SF 496, it feels like we will have to fight harder, that efforts to censor or hide our GSA from public view will only get worse because the school is worried they will get in trouble with the state.

11. Our numbers have also dwindled this year, presumably because kids are scared to show up and possibly be outed as a result of SF 496, or get bullied and harassed. GSA is a lovely, happy space that should be accessible to all queer children, but SF 496 interferes with our ability to create a supportive community for each other.

12. As a member of our school's GSA during my freshman year, I led a protest against anti-LGBTQ+ measures that were proposed and passed by the Iowa legislature that year. Many students banded together, walked out of the school, and gathered outside. We shared our stories through a megaphone, chanted, and generally shared the power that comes with community. But it was not all positive. Some administrators and school security glared at us through the windows. Students on the second floor shouted at us through windows, and they were not stopped. After the passage of SF 496, I would be terrified of staging another protest. I feel as though anti-LGBT sentiment has risen in my school. I have witnessed homophobic and transphobic comments consistently this school year, more than I have previously. I think many queer students would be scared to join a protest on school grounds again, if not for fear of the students, then for fear of punishment from the school. This law places transgender youth below other cisgender students, forcing them to take more steps to earn the same rights and respect that others have. This limitation of freedom to be ourselves encourages schools to limit us even more.

13. Transgender people, especially transgender youth, have to deal with a surplus of challenges that cisgender people do not. Not only do we struggle to feel comfortable in our bodies, which is a sort of pain I can never describe in full accuracy, but we must also worry about whether

the people around us are accepting. Coming out to friends and family is an ordeal that all transgender people carefully consider and plan. Yet, beyond all of this, SF 496 places another undue mental burden on young people in Iowa. This law forces students to come out to their parents if they have any hope of being called the correct name and pronouns at school, which is a right any other cisgender student never has to consider. For any kid who does not have accepting parents, being gendered correctly remains a dream that is far from reality. As for me, my school records correctly list my preferred name, as I have changed it legally, but they still list me incorrectly as female, since I have not yet changed my gender legally. I worry that, should a teacher or faculty member ever misgender me, I could get myself or them in trouble if I correct them, or be singled out by my peers. I should not have to worry about the consequences of attempting to gain basic respect from those around me, and neither should any other queer student. We deserve to be treated with the same respect as our cisgender peers without having to jump through unnecessary hoops to abide by this law.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 25 day of November, 2023, in Waterloo, Iowa.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "P. B.-P.", written over a light yellow rectangular highlight.

P. B.-P.

Exhibit 3

Declaration of B.F.S.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

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IOWA DEPARTMENT OF EDUCATION; IOWA STATE
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SCHOOL DISTRICT; MATT DEGNER, in his official
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Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
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COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

DECLARATION OF B.F.S.

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, B.F.S. and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is B.F.S. I am a 13-year-old gender-fluid teenager. I have personal knowledge of the facts as stated herein.
2. I am in the 8th grade at Indian Hills Junior High School in Clive, Iowa, in Polk County. My journey of understanding myself started in about 3rd grade. I use they/he/she pronouns because I am not a “boy” or a “girl,” I am just a person.
3. When I learned about the law known as SF496, I thought, “What is the government doing?!” I knew that this law would harm all transgender kids in the state of Iowa. I was in disbelief at first and then I was angry. I deserve to be protected and safe at school. I worried that the law would make bullying and harassment of LGBTQ+ kids even worse than it already is. I said that to the Iowa Senate Education Subcommittee at the Iowa State Capital, but they still passed the law.

And I said it again to the West Des Moines Community School Board recently. LGBTQ+ kids deserve to be able to express ourselves safely in school. We deserve to be able to talk about our families. We deserve to see ourselves in media, including in books available in schools. And if we can't do all those things it sends a message that there is something wrong with us. There is nothing wrong with us.

4. When people meet me they think that I am always comfortable being out and expressive about who I am, particularly being LGBTQ+. But, the truth is, I know I have a target on my back at school. I know that if I wear an outfit that has a rainbow on it or anything LGBTQ+ on it, I am more likely to get harassed that day. Because of the passing of SF496, I am more aware of my clothing choices and how I look in general. I am aware that when I wear certain types of clothes, I am preparing for harassment. Sometimes I wear such clothes to comfort other students who don't have the ability to express themselves that I do because their families may not be as supportive or because they do not feel as brave.

5. I know what it feels like to be bullied in school for expressing my LGBTQ+ identity, and the new law has made things worse. For example, after they passed SF496, our school had a "Culture Day" where we were invited to wear things to show and celebrate diverse cultures. I wore rainbow socks and a Pride flag. Another student yelled at me "Jesus hates you! You're going to hell!" I felt pissed off, upset, and frustrated. After that, I went home for the rest of the day for a break from it all. At the time, I told the school counselor what happened. The school counselor spoke to the kid, and they were sent home for the rest of the day, but I don't know that any other action was taken. I was not the only one who heard the kid say this to me—many other kids heard it, too. We all got the message that we can expect this kind of targeted harassment if we express ourselves as LGBTQ+. The school principal talked to me and my parents when they came to pick

me up from school. He tried to be reassuring to me that the school cares about me, but then he also said, “We’ll just keep responding.” It sounded like he thinks more harassment will happen again. I wish the school would do something to prevent bullying, not just tell kids it’s wrong after the fact. But because of SF496, it feels like they won’t. Like they are too worried of getting in trouble with the state to speak out, to talk to these kids about LGBTQ+ issues and create an inclusive environment before the bullying happens.

6. I went with my parents to the school board meeting the next week to tell the story of me being harassed on Culture Day and the school’s response, and to tell the board they should be working on preventing such things and making school safer for LGBTQ+ kids. I hate having to go there, but I know there are other kids who don’t feel supported enough and strong enough to do it.

7. If I wear a pride shirt or button or anything else that expresses my identity as an LGBTQ+ person, I now always have to think about what the response will be, and whether I will be harassed or bullied if I do that. I feel that I have to take an intentional risk about exposing myself to other kids being awful to me if I express myself in this way, and the law feels like an invitation to these kids to behave that way. Worse, the law makes the school less likely to protect me and my right to be open about my own identity while remaining safe at school.

8. I and my family updated my name and pronouns in the school records three years ago to reflect my identity but I have not changed my name legally. Since then, I have had fellow students purposefully dead-name me. It makes me feel mad and annoyed when other students dead-name or misgender me simply to harass me. (Sometimes people who I know care about me get my pronouns wrong but I know they’re trying, and it’s okay to make mistakes.)

9. Despite the legislation I still introduce myself as Berry and ask my teachers and friends to use my correct pronouns. I have teachers that make mistakes and tell me I should just remind them. I wish I didn't have to and often I don't correct them. It's hard for me to constantly have to tell adults what to do. I feel like this law sends a message that they don't have to even try to do it right if they don't want to.

10. I read the long list of books that have been banned in our junior high and high school. It made me angry. I know that a lot of the books that have been banned include LGBTQ+ characters and authors. That really bothers me. I want to read books at school that reflect my identity and experience.

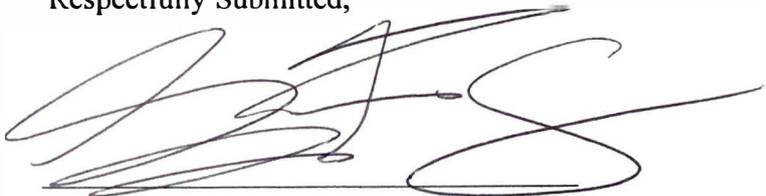
11. I have a friend group that supports each other, and my family supports me. I do get frustrated when I need to go to a school board meeting or spend time suing the State when I'd rather be reading or hanging out with my friends. I just want to do normal things like other kids at school. I shouldn't have to defend my existence.

12. I have friends whose parents are not supportive, and they don't express themselves at home the same way they do at school. I feel worried for them because this law makes it harder for them at school.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 18th day of November, 2023, at West Des Moines, Iowa.

Respectfully Submitted,

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke extending to the right.

B.F.S.

Exhibit 4

Declaration of P.C.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA
STATE BOARD OF EDUCATION; IOWA CITY
COMMUNITY SCHOOL DISTRICT; MATT DEGNER,
in his official capacity as Iowa City Community School
District Superintendent; MOLLY ABRAHAM, J.P.
CLAUSSEN, CHARLIE EASTHAM, JAYNE FINCH,
RUTHINA MALONE, MAKKA PILCHER HAYEK, and
LISA WILLIAMS, in their official capacities as board
members of the Iowa City Community School District;
SIOUX CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and
STEVE RICHMAN, in their official capacities as board

Case No. 4:23-cv-474

DECLARATION OF P.C.

members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, P.C. and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is P.C. and I am 17 years old. I have personal knowledge of the facts as stated herein.

2. I am in the 12th grade at City High School in Iowa City, Johnson County, Iowa. Even as a small child, I didn't particularly care for gender norms. I enjoyed wearing dresses, but I was the father whenever my friends played "family," and I was always happy to get my hands on a hammer. I always enjoyed mixing and matching gender roles, but as I continued to grow, I noticed that I did it more intensely than other girls my age. It gave me a sense of affirmation to be able to be the chivalrous one—to hold doors open, carry bags, and give others my jacket. Of course, those traits aren't inherently masculine, but they do carry masculine connotations in the society we live in. I wanted desperately to be like the princes in the books I read, to be handsome, and able to save the day. Simultaneously, I wanted to wear elegant masquerade dresses, trading secrets in

ballrooms and gardens. As far as I was aware, those were my two options. Around 11, I started reading more books involving queer people. While I certainly knew about queer people before, having the literature allowed me to relate to the characters in the same way I had related to the royalty of my childhood. It opened up a world for me—there were words that I could use to understand myself, ways to clarify the identity I had been wrestling with. I flitted between a lot of different labels and pronouns, trying to find what fit best for me. In the end, much like my childhood preferences, it ended up being anything. These days, I just call myself queer. I have a strong relationship with womanhood, though I am not necessarily a cut-and-dry woman—I use he/him; she/her; and they/them interchangeably, though I don't mind being called just one.

3. Since the passage of SF 496, books written by and about the LGBTQ+ community have been removed from Iowa City schools. Last year, my teacher lent me the book *Last Night at the Telegraph Club*, by Melinda Lo. This year, it no longer sits on her shelf. It is well-researched historical fiction on being queer as a Chinese-American teenager in 1954; and it is a wonderful, wonderful book. There were several times that I cried reading this book--it was a beautiful portrayal of sapphic relationships, gender diversity in lesbians, and teenage relationships. It was thoughtful and nuanced, and extremely relatable, despite the different culture, place, and time. It made me feel both seen and freer to have read it. It also happened to have a short sex scene. This didn't seem out-of-place at all--sex and sexuality, like it or not, absolutely play a role in teenager life. Exploration is fundamental in teen relationships, so why shouldn't the literature we read reflect that? However, it is the reason that it is marked as “inappropriate” by SF 496. You can walk into any high school and hear things that are vastly more explicit and significantly less nuanced, but this valuable piece of literature is still removed. Without it being available in my school, and my teacher recommending it to me, I likely wouldn't have read *Last Night at the Telegraph Club*. Now

that it is banned, none of my peers will be able to access it through school, meaning that I cannot discuss the book with them, or recommend they read it. How many more life-changing books will I, and other students miss out on because of this law? School is one of the main places that children read, and being able to access literature in which you can see yourself can be instrumental to a student's discovery of themselves--it certainly was to me. Removing these books not only makes queer people less visible, but it also stops students from discovering and being true to themselves.

4. Literature has always been an important part of my identity and journey. When I was in seventh grade, I read *Melissa*, by Alex Gino. It was the first time I had read about a trans kid. While that might not seem like a lot, being able to find and identify yourself with things is an important part of being a child. While *Melissa* described a gender journey that was very different from mine, it still cemented it as something that *could* happen in my mind. *Melissa* is also not an adult book. Thematically and language-wise, it's very similar to what 10-12-year-old children talk about.

5. Knowing *Melissa* has been removed from schools angers me—it feels ridiculous to imply that children at that age are entirely devoid of ideas of gender and sexuality. Plenty of people have kindergarten boyfriends, or girlfriends, but they are not banned from school playgrounds—the issue here just seems to be the identity. Being trans is not a disease that children will catch if they read about it, just as reading a book about a doctor will not give you a medical degree. Instead, removing these books suppresses trans children. It shows them that they are “inappropriate” to exist with other children, as if their existence itself is somehow sexual or perverse. Furthermore, it prevents non-trans children around them from learning about the topic in a child-appropriate way, meaning they are more likely to react to their trans peers with confusion, or bullying. I hope

children, cis and trans alike, can read books about trans people, in the same way that they can read books about *anyone*—because books are meant for knowledge.

6. In a more personal sense, I also hope my sister can read *Melissa*. I hope it can remind her, even just through sitting on a shelf, that she belongs in her school just as much as any other kid does. I hope it can remind her she has nothing to be ashamed of.

7. Since the passage of SF 496 I have felt less comfortable expressing who I am in school and informing teachers of my identity and the pronouns I use. Prior to this year, I would simply email teachers at the beginning of the course to address my gender identity and establish how I should be addressed, but now I do not feel safe doing that. It feels like I need to meet the teachers first and verify that they are accepting before I disclose my identity. Since I don't have the support of the law to fall back on, it means I have to be more cautious about what I want to reveal, since I have no actual power if a teacher does decide to invalidate me.

8. My little sister is a lot younger than me—seven to eight years, depending on what time of the year it is. It was New Year's when she was born, and I remember holding her, and thinking that she was so small that she didn't look real. Her presence contextualized all of my difficulties, my disappointments, my mistakes—I was there to pave the way, so she didn't stumble on the same cracks that I did. I don't know how well I did, in that regard, but I certainly tried as hard as I could. She's my little sister, after all. Isn't the natural instinct just to swoop them up and protect them from everything that could hurt?

9. In the end, that's what hits me the hardest about this bill. Literature paved the way for me, and I was meant to be paving the way for her—but how can I do that without the books? How can I look my little sister in the eye and tell her not to worry, when the school systems she's in want to eliminate her existence from every library, every curriculum? How can I promise that

I'll keep her safe against something I can't stop? Because it's not just about what the children are learning. It's about safety. When my sister sees a rainbow in a classroom, it shows her that she is safe there. It says that that room contains people who will not harass or harm her for something she cannot change.

10. SF 496 hasn't been easy for my little sister. I see how she's more and more worried about going to school, how she conceals herself instead of taking pride in who she is. No longer can she tell if someone is safe, because they aren't allowed to advertise that—and it means she has to treat everyone as unsafe, by default. It is heartbreaking to watch her be made to feel alone, silenced, and less than at school, and to know that the state we have lived in for our entire lives supports that. I don't think I want anything unreasonable for her. I want her to learn about the world and play with her friends. I want her to read books and talk to her teachers. I want her to be safe. I want school to be a place that she can be excited to go, like it should be for every child. In the end, like anyone else with an important kid in their life, I just want her to be a happy kid for as long as she can be.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 24th day of November, 2023, at Iowa City, Iowa.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to be the initials "PC".

P.C.

Exhibit 5

Declaration of James Doe

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends, JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MITCH LINGO, and LISA WILLIAMS, in
their official capacities as board members of the Iowa City
Community School District; SIOUX CITY COMMUNITY
SCHOOL DISTRICT; ROD EARLEYWINE, in his official
capacity as Sioux City Community School District
Superintendent; DAN GREENWELL, LANCE EHMCKE,
JAN GEORGE, TREYLA LEE, JOHN MEYERS, BOB
MICHAELSON, and EARL MILLER, in their official
capacities as board members of the Sioux City Community
School District; URBANDALE COMMUNITY SCHOOL
DISTRICT; ROSALIE DACA, in her official capacity as
Urbandale Community School District Superintendent;
KATHERINE HOWSARE, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, STEVE
RICHMAN, JOSH VAN RSWYK, CARISSA WILLIAMS,
and MARGARET YOUNG, in their official capacities as
board members of the Urbandale Community School
District; WATERLOO COMMUNITY SCHOOL

Case No. 4:23-cv-474

**DECLARATION OF
JAMES DOE**

DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, MICHAEL ANDRESKI, ELIZABETH LARSON, LILA P. MONTOYA STARR, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, James Doe, and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. I provide this testimony under a pseudonym, James Doe.¹ I am a 16-year-old boy. I have personal knowledge of the facts as stated herein.

2. I am a high school student in Sioux City, Iowa.

3. When I was in the fifth grade, I got a short haircut for the first time. Because hair length was how people identified the gender of young kids, I got mistaken for a boy a lot. But soon I realized that I preferred it when people made the mistake. I didn't know if I was transgender or something else, but what I did know was that hearing my name turned my skin inside out and that I couldn't look in the mirror for too long without wincing. By seventh grade, I had figured out who I was. A boy. Most people in school didn't get it and although some of their questions were purely

¹ I have sought leave to proceed under a pseudonym in this matter to protect my right to privacy, and to protect myself from discrimination, harassment, and violence, as well as retaliation for seeking to protect my rights.

curious some had more negative connotations. But because I wasn't out to my parents yet I was afraid to go to any teachers about it, in fear they would out me. After I came out and got the support I needed, I made it clear to the people around me that I was not going to tolerate any harassment. But that confidence was mostly because I knew that I would have support from the school and my parents if something were to happen.

4. I have legally changed my name and my birth certificate has been amended in accordance with my gender identity.

5. When I heard about a law being passed that forced teachers to out their students I thought, "There's no way that will actually get passed. The legislators will realize how many kids could get hurt from that and it will get struck down." I'm sad to say I was wrong. I'm part of the cabinet for my high school GSA and therefore it is my responsibility to make sure that none of our members are put into a dangerous situation just by being there. But they are. The teacher sponsoring our GSA had said that they would not out us to our parents. But their word isn't going to feel safe enough for most of our members. For many of our members, GSA is the only opportunity they have to feel a sense of community among other queer students. But having a teacher there who is actively going against a law that could get them fired is not a risk they are willing to take.

6. Similar to middle school, when I was afraid to talk to any teachers about the bullying I was experiencing, many of my peers are equally afraid to talk to teachers now. If the source of the bullying is because they are transgender the student would be outed. I know members of the GSA that are not talking to teachers about the bullying they are experiencing because getting outed at home would be worse. But that doesn't make the bullying any more tolerable.

7. I also know of students who are afraid to come to GSA meetings because of the law. New students to the high school either don't know our sponsor well enough or just don't want to risk it. This makes it difficult to gain new members, because no matter how much promoting we do, if students are afraid to come it doesn't matter. We have many plans for the GSA and things we want to accomplish for the school and queer students. But it seems as though we are having trouble gaining new members this year. If we cannot gain new members eventually the GSA will not have enough people to accomplish anything.

8. I feel that the law also limits discussion in other classes and around the school. Before this law was passed, I would often hear groups of students who were not affiliated with GSA discussing queer topics. Such as jokes or expressing solidarity with each other. But recently I feel as if these kinds of discussions are absent. I also feel as though no one wants to bring up queer discussions in classes. I am in an AP literature class as well as an American history class and I myself am hesitant to bring up queer themes or issues when having class discussions. Mainly because I know that the teacher could get in trouble for discussing it.

9. We were also told by our school administration that we would not be allowed to walk with pride flags in the homecoming parade because there would be elementary students present. Later the school board reversed that decision, but I am worried that in the future this law may force our school board to adopt a policy that limits the representation of the GSA at public events.

10. I believe this lack of discussion and education is leading to a more difficult environment for queer students. I was recently talking to some students in class who were very confused about the concept of being transgender altogether. It has never been out of the ordinary for students to ask me questions and I was comfortable explaining the concept to them. But the

law makes it unsafe for any other students who are not out at home to answer any similar questions, because if a teacher overheard, they could get outed. This creates an unsafe school life for transgender students. There is bullying and ignorance happening in my school that could be prevented by educating students, but it can't, because teachers and other students are prevented from doing so by the law.

11. SF 496 has affected my school experience in other ways as well. I am in an Advanced Placement ("AP") literature class. My fellow students in the class and I were informed by a teacher that certain books, such as *The Color Purple*, *A Handmaid's Tale*, and possibly *1984*, that otherwise would be part of the curriculum are no longer supposed to be taught. Other books that ordinarily would be assigned later in the year have been assigned this fall because our teacher reasonably fears that these books may be targeted by book-banning efforts pursuant to SF 496. However, there is only so much time before the book-banning goes into effect and we will not be able to read and study many of the books that my teacher believes analysis of will help us on the national AP literature examination.

12. That same teacher also informed us that books will be removed from classroom shelves and the library. The teacher told us that they were unsure what books would be removed from their shelves, as they did not receive a specific list, but that any book containing sex had to be removed. This includes books on the AP literature reading list, the recommended books to read before taking the AP test. The teacher didn't think what constitutes sex was well defined. A fellow teacher told them that if they hadn't read the book personally, they should remove it to be safe. The teacher who told us this said they believe all these book removals will be to the detriment of the class's preparedness for the national AP literature examination, and I agree. I will not be taught these banned books while students in other states will. I want to learn the literature from the AP

class I'm enrolled in at school and do well on the national AP test. The law is preventing me from doing that by banning books that have been taught in literature classes at Iowa public schools for decades. Now, when I want to read them, or any other book banned under this law, I have to do it alone and I can't check them out from the school library.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 27th day of November, 2023, at Sioux City, Iowa.

Respectfully Submitted,



James Doe

Exhibit 6

Declaration of T.S.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKA PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and
STEVE RICHMAN, in their official capacities as board

Case No. 4:23-cv-474

DECLARATION OF T. S.

members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, T.S. and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is T.S. and I am 15 years old. I am also a lesbian. I have personal knowledge of the facts as stated herein.

2. I live in Urbandale, Polk County, Iowa. I live with my parents and my cat. I have lived in Urbandale my whole life, and the people I have met, the community I have made, is very close to me, and means a lot. I am in band and choir, as well as show choir and mock trial, both as a coach and on my own team. I was welcomed into the high school last year as a freshman with open arms, and now I have many friends in varying grade levels.

3. I am in the 10th grade at Urbandale High School in Urbandale, Iowa. I began to discover my identity in 7th grade. I began to figure out what different identities were, and that there were different identities available to me. I had always felt different from the other girls because of my personality and the things I liked. When I discovered the LGBTQ+ community, I finally felt

like there were people who understood how I felt. I began identifying as lesbian in early 2021, and I began exploring my gender expression in early 2022. I realized gender wasn't something that was very important to how I feel as a person. I am myself, and gender is something that is so unique and complex to each person that there isn't a point for me to put labels where they feel unnecessary.

4. Something that was always a thought in my mind while I was discovering my identity was the prospect of being out at school. At school, I never directly mentioned that I was a lesbian in class, only to my friends. I'm hesitant to mention my identity in many classes because of the possibility of teachers reacting poorly, or—especially now, after passage of SF 496—cracking down on students based on the law.

5. In 8th grade, I was out as lesbian in school. I never directly mentioned it in a class situation, but people could tell. As a result, I was bullied quite harshly. I would be called names, slurs, and mocked in general. I also got shoved into locker, pushed to the ground, and at one point I even got into a fight. I reported this to my middle school's administration, and they did little to nothing about any of these issues. I filled out at least 50 incident report sheets over the course of the year, and very few of them got recognized or had anything done about them. For instance, in my 8th hour science class I got bullied particularly badly, and I would often cut class and go to my favorite counselor's room to work instead because of how unsafe I felt in that environment. Despite numerous reports about this, it took months for the issue to be addressed, and when one of the bullies finally got taken out of my class, another was moved to sit next to me. I had meetings with our principal, dean of students, and equity and inclusion director for the district. The only person that ever tried to help in any perceptible way was the E and I director. By the time I was through the middle school, I had made a large impact with the work I tried to do with bullying prevention,

and according to current middle schoolers it has gotten better. I am concerned that bullying could become even worse an issue for queer kids in the future because of the way this law singles us out and the message it sends about us. I am worried the work I did will be undone because the school cannot talk about LGBTQ+ issues.

6. In 8th grade, I read the book *Rick* by Alex Gino. I really related to this book at the time because I was a young queer child grappling with my identity in an environment that wasn't always supportive. The book depicted a young boy learning his identity while trying to go through his normal life and act like nothing is happening. The book shows him attending a GSA meeting, and expressing himself for the first time, and it meant a lot to me to see someone like me in a book. It makes me sad and angry that other kids in Iowa just coming to understand their identities will not have *Rick*, or books like it, to help them.

7. Before the passage of SF 496, I hoped to read the book *Gender Queer: A Memoir* by Maia Kobabe. I've wanted to read it for a while but I simply haven't gotten around to it yet. I understand that this book has been pulled from classrooms and the library in my school due to the law. It's frustrating that I won't be able to read from the school library anymore because, as a queer person, I feel like who I am is being erased from the public view. If *Gender Queer* were available at school, I would check it out.

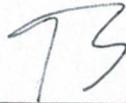
8. The school library has a display of books that feature the voices of people who are members of historically marginalized and silenced groups. Last year, this display included books featuring the voices of LGBTQ+ people among others. I appreciated this because it helped me find books I might like and it made a point that people like me should be included. This year, after the passage of SF 496, the books with LGBTQ+ narratives have all been pulled. I know now I won't

be able to have the opportunity to read these books, and this is the same for every person who goes to my school.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 20 day of November, 2023, at Urbandale, Iowa.

Respectfully Submitted,

A handwritten signature consisting of the letters 'T' and 'S' in a cursive, stylized font.

T.S.

Exhibit 7

Declaration of Becky Tayler on behalf of Iowa Safe Schools

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKI PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and
STEVE RICHMAN, in their official capacities as board

Case No. 4:23-cv-474

DECLARATION OF
BECKY TAYLER ON
BEHALF OF
IOWA SAFE SCHOOLS

members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Becky Tayler and pursuant to 28 U.S.C § 1746, declares under penalty of perjury that the following is true and correct:

1. My name is Becky Tayler, and I am the Executive Director of GLBT Youth in Iowa Taskforce, dba Iowa Safe Schools (“ISS”). I am an Iowa resident over eighteen (18) years of age and make this declaration based on my own personal knowledge and my review of records maintained by ISS. If called as a witness, I could and would testify completely as to the matters set forth herein.

2. I have worked with LGBTQ+ youth in Iowa for most of my 10-year career in social work and with ISS for five of those years. I hold bachelor’s and master’s degrees in social work, with a focus on cultural competency when working with marginalized populations. I submit this declaration in support of ISS’s participation as a plaintiff in this litigation.

Background on ISS

3. ISS is an Iowa not-for-profit organization founded in 2002 with a primary mission to provide safe, supportive, and nurturing learning environments and communities for LGBTQ+ youth and their allies through education, outreach, advocacy, and direct services. It is a state-wide organization that serves students and student-led organizations for LGBTQ+ students and allies within Iowa. Iowa Safe Schools serves at least 4,000 students, representing over 100 Gender Sexuality Alliances (“GSAs”) in middle schools and high schools in districts across the state. ISS is headquartered at PO Box 704, Des Moines, IA 50303.

4. ISS has established multiple programs to support LGBTQ+ students in Iowa schools. ISS’ flagship program is the Iowa GSA Network. The Iowa GSA Network is designed to empower students on their mission to create safe spaces through their GSAs (sometimes also called gay-straight alliances). It is designed to provide resources and assistance to LGBTQ+ and allied students as well as the educators and advisors who support them. The Network assists students interested in starting a GSA at their schools, and connects GSAs around the state. The GSA Network’s ultimate goal of enriching the lives of LGBTQ+ youth is accomplished through partnerships with student leaders, and collaboration with GSA advisors and community members and organizations and companies throughout the state. The Network offers resources, support, and direct interactive services to GSAs, students, and their advisors.

5. ISS also provides professional development, licensure renewal, and graduate credits to educators individually and district-wide, reaching over 4,000 educators annually. ISS currently has several contracts with school districts to administer LGBTQ+-inclusive trainings to staff, in addition to assisting in creating school policies supporting LGBTQ+ students. Since 2014, ISS has offered Iowa Board of Educational Examiners-approved License Renewal credit to Iowa’s

educators through our program, Safe Schools Academy. Safe Schools Academy also offers Graduate Credit through a partnership with Drake University. Educators and other interested parties can register online. All courses are asynchronous and hosted online.

6. In addition to managing the Iowa GSA Network and providing professional development to schools and districts across the state in the form of in-service learning, ISS also regularly partners with other nonprofits like Central Iowa Rainbow Families, Capital City Pride, and others to provide programming and events that reach additional students, families, and educators. ISS staff regularly host community workshops, including a Youth Activism workshop for the Ames Library's Pride series, LGBTQ+-inclusive training for the Mentors in Violence Prevention program housed in University of Northern Iowa's Center for Violence Prevention, and other workshops through the Iowa YouthNet Conference. ISS has also collaborated with Capital City Pride to host community events, such as a fireside chat with astronaut Peggy Whitson. In working with over 4,000 students annually, ISS has established itself as a crucial resource and advocate for LGBTQ+ youth across Iowa.

7. ISS also performs data collection with respect to incidents of bullying, harassment, and discrimination experienced by LGBTQ+ youth in Iowa schools. As the recipient of state and federal grant dollars under the Victims of Crime Act program, ISS tracks "victim data" and provides resources and technical assistance to the students affected. ISS securely tracks such data, recording the ages, demographics, and geographic locations of the incidents. Additionally, ISS records the "victimization type" associated with each incident, such as dating violence, homelessness, bullying, or survivor of suicide. ISS receives such information through different web portals and sources, including self-reports from survivors of crime, bystander reports of witness accounts, and through visits in-person with GSA groups. ISS reports this data to the Victim

Assistance Section of the Office of the Attorney General of Iowa as required by the grant's certified assurances.

The critical need for a safe and inclusive school environment for LGBTQ+ youth

8. According to the Center for Disease Control (CDC) 2021 Youth Risk Behavior Survey in Iowa, Gay, Lesbian, or Bisexual (GLB) students face heightened vulnerability in the educational environment. These students, in comparison to their heterosexual peers, exhibit substantially elevated rates of school-related challenges. Notably, 13.1% of GLB students reported not attending school due to feelings of unsafety, compared to 6.9% of their heterosexual peers. Additionally, 11.6% of GLB students reported experiencing threats or injuries with weapons on school property, while the rate for their heterosexual peers was 5.9%. A significant disparity is observed in bullying experiences, with GLB students being twice as likely to experience bullying on school property or over electronic communication. Furthermore, the survey underscores that GLB students experience significantly higher levels of depressive symptoms. A substantial 73.7% of GLB students reported feeling sad or hopeless almost every day for two weeks or more, whereas only 31.3% of their heterosexual peers reported the same. Moreover, a striking 64.7% of GLB students describe their mental health as most of the time or always "not good," which contrasts starkly with the 26.9% reported by their heterosexual peers. Perhaps most alarming, Gay, Lesbian, or Bisexual students report markedly higher rates of contemplating suicide, developing plans for self-harm, and attempting suicide.

9. The Iowa Department of Health and Human Services (DHHS) Iowa Youth Survey 2021 Findings report very similar disparities.

10. Notably, each one of these disparities is more prevalent in Iowa compared to national findings, as indicated by the Trevor Project's National Survey on LGBTQ Youth Mental

Health for 2021. Data from the Trevor Project also shows that negative mental health outcomes are less prevalent in other states than in Iowa. In 2022, LGBTQ youth who found their school to be LGBTQ-affirming reported lower rates of attempting suicide.

11. These findings underscore the urgent need for targeted interventions, support, and legal protections to create a safer and more inclusive environment for LGBTQ+ youth in Iowa. and critical to ISS's mission is access to data that provides an accurate picture of the scope of the vulnerabilities faced by the students ISS serves.

12. SF 496 will adversely affect ISS's ability to access such data. For example, although the CDC's 2021 Youth Risk Behavior Survey did not gather data on whether students polled identified as transgender, nonbinary, or gender non-conforming, the upcoming CDC survey will gather this data. However, Iowa students will not participate in this survey. Instead, Iowa students will be asked to respond to the IDHHS Iowa Youth Survey, which will not gather the relevant data for these youth. Additionally, under SF 496's parental notice and consent requirements, ISS expects the response rate for LGBTQ+ youth to decrease, impacting the quality of data available and adversely affect ISS's mission, which depends on to provide an accurate picture of the scope of the vulnerabilities faced by the students ISS serves.

ISS' GSA Network and the support a GSA provides

13. One way ISS works towards creating a safe and inclusive school environment for LGBTQ+ youth is through the GSA Network. A GSA is a youth-led organization (typically a school-based extracurricular club) that focuses on providing a safe space for LGBTQ+ youth, addressing anti-LGBTQ+ harassment and discrimination, promoting inclusive and affirming policies, and educating people about gender identity and sexual orientation. ISS created the GSA network in 2016. GSAs become chapter members of the GSA Network through the ISS website

(<https://iowasafeschools.org/the-gsa-network>) or by connecting with the GSA Network Coordinator, who provides an overview of Youth Engagement programs and services. There is no cost for GSAs to join the Network. ISS acts as a central hub for its member GSA organizations, tracks the issues that students are facing, provides supportive services to student members and faculty advisors, assists students who are interested in starting their own GSAs to get their group established, and manages a list serv to facilitate dissemination of information to Iowa GSAs and to connect GSAs with student groups elsewhere. Network GSA organizations are located throughout the state.

14. Members of the GSA Network receive individualized support and resources for their group, as well as assistance to groups who are facing roadblocks of issues from inside (or outside) the group. Each member GSA is offered a site visit from ISS staff once or twice per school year. GSA visits may include a workshop of the student's choice; common workshop topics center around building student leadership and group capacity.

15. Any student, regardless of whether their school has a GSA or if the school GSA is part of the Network, can join the Network individually signing up for a GSA Network list serv, which is used to share programming opportunities, resources for student leadership, and advocacy alerts. Advisors and students have access to several annual events including: GSACon, Student Day at the Capitol, Aspire to Inspire, The Governor's Conference on LGBTQ Youth, and Pride Tailgate, which collectively host over 1,000 attendees.

16. ISS offers all GSA advisors and students in Iowa access to several resources including the GSA Guidebook, the Parent and Family Guidebook, safety planning worksheets, explainers for various bills, and resources for victims of bullying. The GSA Guidebook is a resource written for student leaders to help them navigate the process of starting and running a

GSA. It provides guidance on writing a mission statement, bringing in new members, planning community events, and more. The Parent and Family Guidebook is a resource designed to provide information, guidance, and support to parents and families of LGBTQ+ students. It offers insights into understanding common issues for LGBTQ+ young people, how to support and advocate for LGBTQ+ youth, and how to create a more inclusive and accepting environment for them at home, in school, and in their communities. Safety plans are a resource for families and students to identify people and coping strategies in the young person's life that they can turn to for support. They are also key for communicating a student's needs to their place of education to prevent or respond to incidents of bullying and/or harassment. ISS typically has bill explainers for students during each legislative session. These are documents or presentations that clearly and concisely explain the contents, implications, and significance of proposed or passed pieces of legislation. ISS also has resources for students experiencing bullying; these clarify student's legal rights to safe education, provide guidance on students can exercise these rights, and provide mental health tips for students dealing with the impacts of bullying.

17. ISS also provides resources to member GSAs in the face of tragedy or trauma. The trauma that one member of a GSA experiences can also be felt by fellow students who witnessed the incident or who experience loss as a result. In the worst-case scenario, when a member of a GSA takes their own life, other members of the GSA can be impacted heavily, and require immediate resources and support on an emergency basis, such as access to suicide hotlines, counselors, and supportive people to whom the affected students can talk. After a group experiences a suicide, our GSA Coordinator connects them with the American Foundation for Suicide Prevention, the "After a Suicide" postvention resource from American Foundation for

Suicide Prevention, the 24x7 crisis assistance from the Iowa Victim Service Call Center, and the resources provided by the Trevor Project.

18. Each GSA a Plaintiff in this case attended—including Plaintiff A.C., at Twain Elementary School; Plaintiff Robert Smith, at Stillwell Junior High School; Plaintiff James Doe, at North High School; and Plaintiff P.B-P., at Waterloo West High School—is part of ISS’s GSA Network.

The impact of SF 496 on ISS and the GSAs and students it serves

19. SF 496 has had a devastating impact on LGBTQ+ students across the state. Students report that anti-LGBTQ+ bullying and harassment are on the rise as their peers feel emboldened by schools’ lack of proactive efforts towards inclusivity. ISS has heard from advisors and students reporting that confusion over the law has caused some to leave public school for homeschooling or charter schools. Many students have reported feeling sad and rejected when their identity is treated as “promiscuous,” regardless of whether they are actually sexually active. Other students have reported feeling hopeless and isolated, and that these feelings were widespread amongst their LGBTQ+ peers. Tragically, due to the notable, perceivable increase in completed suicides, ISS has begun formally documenting the number of completed suicides as of calendar year 2023.

20. ISS staff have spent a tremendous amount of time helping Iowa’s parents, educators, and students try to understand SF 496 and its potential implications for them and their schools. This additional time has been spent fielding one-on-one questions, working with school district administration teams on policies they’re implementing because of SF 496, and developing resources for Iowa’s educators to help them provide support for LGBTQ students within the boundaries of SF 496.

21. Additionally, while GSA visits with staff and students were previously focused on building student leadership or group capacity, many GSA visits are now focused on student's questions about SF 496. In other words, rather than building on the gains these students have made towards empowerment and inclusion in their schools, ISS has been forced to devote its time and resources to dealing with the fallout and confusion over SF 496.

22. This tonal shift during GSA visits already was apparent when SF 496 was being introduced and debated during the legislative session and then passed into law. Most GSA visits during that time were spent answering questions and discussing what could happen with SF 496. Two common responses from students emerged. Some students were galvanized to take action, as many felt that their school would not be supportive of students under such a law. Many students became very withdrawn during these discussions, sometimes later disclosing their fear or anxiety of being outed to parents. Those students who feared their school would withdraw support were, in some cases, proven right. For example, books featuring LGBTQ+ characters or themes were removed and flags or signage expressing messages of support and affirmation for LGBTQ+ youth were taken down. Many of those students who became withdrawn themselves have only become more so, and are unlikely to participate in their GSA or express their LGBTQ+ identity for fear of being outed.

23. SF 496 has prompted many school administrators to restrict the activities of member GSAs or otherwise treat them differently from other student-led groups. Schools require student groups like GSAs to be sponsored by a faculty advisor, who facilitates and supports the group's activities, and, in the case of GSAs in the Network, works with ISS to provide opportunities for student members and gather additional support. Some GSA advisors have reported being instructed to take a step back from the GSA, only being permitted to sit in the room

but not provide any guidance like an educator might for other student-led groups. A few advisors for member GSAs have said that their administrators have told them to not discuss any part of the legislation with their students. Advisors have reported confusion on whether students need to sign permission slips to join GSAs (even though no other club requires this).

24. Due to SF 496, school administrators have been reluctant to allow student GSAs to interact with younger students in the district, reasoning it may constitute “promotion” in violation of the law. Advisors have reported their GSA has been prohibited from displaying signs or promoting the club in classrooms or hallways where students younger than seventh graders may be present, even in schools with mixed populations that include eighth or ninth graders, and even though other noncurricular clubs are not subject to those restrictions.

25. Restrictions and burdens on a club’s activities, particularly when coupled with students’ growing fear of outing or reprisal for expressing their identities, has meant many GSAs have gone inactive this year.

26. For example, when the ISS’s GSA Coordinator reached out to an educator advisor contact for a member GSA in the College Community School District, the advisor responded, “With us being a 5th/6th building, we will not be able to run our GSA this year due to the new legislation.” Another group stopped meeting because they could not find a faculty advisor, as teachers are reluctant to put themselves in a situation where they may violate the law, for example, by refusing to comply with SF 496’s “forced outing” provision and out a student who joins the GSA.

27. Other advisors mentioned that students had become withdrawn from the group or had become withdrawn from school altogether. One group stopped meeting because their student leader was only sporadically attending school.

28. SF 496's forced outing provision has had particularly disruptive results for students, in and out of GSAs. After SF 496, many students have been told that any request for teachers to use their proper name and pronoun will result in them being outed to parents and family. In one instance, an advisor from the Burlington School District shared with an ISS staff member that a student had reached out to their educators to request a particular name be used, but when the student was informed of SF 496 and what that meant for the school's response, they retracted the request. Other advisors and students said their school policy does not allow students to retract a request to educators. Others have reported confusion over what sort of question might constitute a request. This ambiguity puts students in a difficult position, as they are not sure what might trigger a report home. As a result, many students will choose not to seek support at all.

29. GSA advisors have pointed to the law's forced outing provision as the cause of restrictions and/or closure of GSAs. Students and faculty members alike are confused about what speech during a GSA meeting could trigger a report home or whether mere attendance is sufficient. Faculty members who previously sponsored student-led GSA chapters now are reluctant to do so for fear of being forced to out student members as a result of the law, forcing these chapter members to close.

30. Some advisors for member GSAs reported not receiving any guidance from their school district on the legislation. Although many advisors said they would rather lose their job than out a student, these advisors thought it was likely other educators would out students, leaving students not knowing who to trust and making it harder for teachers to build a positive relationship with them. In one example of this confusion, an educator in the Fort Madison school district reported to ISS staff that a fellow educator was reprimanded for using a student's chosen name. The educator reported that district leaders reprimanded the teacher for using the student's chosen

name because it was not listed in the school's informational system and therefore, they were not allowed to call the student that name.

31. Nearly every classroom teacher, administrator, student, and parent we have worked with this year has been unsure of what the law will apply to or when it will apply. There is no consistent understanding of what will be seen as a "request for an accommodation" that requires reporting home or what materials or activities might constitute a "program," "promotion," or "instruction" related to gender identity or sexual orientation, or what books contain a "sex act," to name only a few areas of confusion.

32. ISS's staff has spent a lot of time discussing these questions with educators and developing resources for students in an attempt to provide clarity on SF 496, and has been frustrated by the ambiguous language and lack of guidance from the state. The recently released rules relating to SF 496 provide no clarification for the already vague statute, instead restating many of the broad requirements that the law institutes. In some areas, the rules create even more ambiguous expectations for educators, including the proposed rules' provision regarding "neutral statement(s)" relating to sexual orientation or gender identity. Proposed Rules, Item 5 (281 Iowa Admin. Code r. 12.3(15)(c)).

33. SF 496's implementation has caused ISS staff to spend immense time and resources answering questions and intervening in scenarios the new law has caused. Typically, these efforts would be directed towards GSA outreach and providing resource and support of GSAs and educators, as well as fundraising, legislative session prep, and community partnerships. However, because of our limited capacity, our staff has had to shift our resources to focus on the implementation and fallout of SF 496.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 27th day of November, 2023, at Urbandale, Iowa.

Respectfully Submitted,



Becky Tayler

Exhibit 8

Declaration of Robert Smith

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH; B.F.,
by their parent and next friend, LARA NEWSOM; JAMES
DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKI PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX CITY
COMMUNITY SCHOOL DISTRICT; ROD
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official capacities as board members of the Sioux City
Community School District; URBANDALE
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MEADE, JASON MENKE, JULIE MITCHELL, and
STEVE RICHMAN, in their official capacities as board

Case No. 4:23-cv-474

**DECLARATION OF
ROBERT SMITH**

members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Robert Smith and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. I provide this testimony under a pseudonym, Robert Smith.¹ I am 12 years old and identify as a transgender male. I have personal knowledge of the facts as stated herein.

2. I am in the 8th grade at Stilwell Junior High School in West Des Moines, Iowa. When I was 10 years old, I came out to my friends, teachers, and parents as a transgender boy. I began using he/him pronouns and going by my preferred name, which made me feel validated for who I am. My teacher was a supportive person in my journey because she showed me I was accepted by affirming my pronouns and preferred name when I came out to her. She also updated all my school materials and my locker, which helped me transition socially at school. This brought

¹ I have sought leave to proceed under a pseudonym in this matter to protect my right to privacy, and to protect myself from discrimination, harassment, and violence, as well as retaliation for seeking to protect my rights.

me a lot of peace, and helped me feel I belonged for who I am. I have now legally changed my name and it is correct on my school records.

3. I was at first angry when I learned of the new law, because it affects me and my friends.

4. I feel comfortable being out at school, but I know many of my peers at school do not feel comfortable because they feel restricted by the laws. Not all my friends have supportive homes, and school is a place they used to feel safe to be themselves. Now, they don't have the chance to be safe at school. For example, I had been a member of our Gay-Straight Alliance ("GSA") organization. I recently learned our GSA will go inactive this year because we could not find a willing teacher or administrator to take on the sponsorship of our group. There was no adult willing to take the risk under the new law. Now there isn't a safe place for kids like me and our ally friends to come together and support each other to feel accepted. Even before that, some of my peers were afraid to join this year because they feared the teacher/administrator leader would report them to non-supportive family members. Some teachers who used to talk about LGBTQ issues, no longer do. All teachers took down their safe-space stickers.

5. I am who I am, and no law can change that. I have already socially and legally transitioned. I have support from my family. But not everyone at school does. Being able to be out and express myself is very important to me so that I can show other students that I'm a safe person to come to. Teachers can no longer be that safe place.

6. I have experienced multiple incidents of bullying and harassment because I am trans. In middle school I was bullied and pushed up against a brick wall.

7. Being trans isn't all I am. I am also involved art club and card club at my school. I have previously participated in volleyball and theater. I also enjoy taking arts classes at the Des

Moines Arts Center, cooking with my family, and baking. I love to read, especially graphic novels that represent diverse kinds of people. I am scared that these books won't be available for me and other kids to check out, which isn't ok. Kids need to see themselves represented. It helps us feel like we belong.

8. I think it's important for everyone to be accepted for who they are. At the end of the day, pronouns are just pronouns, but they represent something bigger. They represent someone being accepted for their identity, which is who they are. Having support of family is really important to my journey, that no matter who I am, my parents will always have my back. The support of friends helps me feel accepted, and that I can be myself. Having the support of teachers and administrators means school is also a safe place. Without these safe people, and safe spaces, I don't know where I would be today. The emotional and mental health toll is heavy. No one should have to navigate this alone. The law takes away safety. It takes away safe people and safe spaces, for fear of violating the law. I fear that it will cause emotional and mental health issues for people, and they may not make it through.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 19th day of November, 2023, at West Des Moines, Iowa.

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert Smith". The signature is written in a cursive style and is positioned above a solid horizontal line.

Robert Smith

Exhibit 9

Declaration of Richard Carlson

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA
STATE BOARD OF EDUCATION; IOWA CITY
COMMUNITY SCHOOL DISTRICT; MATT DEGNER,
in his official capacity as Iowa City Community School
District Superintendent; MOLLY ABRAHAM, J.P.
CLAUSSEN, CHARLIE EASTHAM, JAYNE FINCH,
RUTHINA MALONE, MAKI PILCHER HAYEK, and
LISA WILLIAMS, in their official capacities as board
members of the Iowa City Community School District;
SIOUX CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and
STEVE RICHMAN, in their official capacities as board

Case No. 4:23-cv-474

**DECLARATION OF
RICHARD CARLSON**

members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Richard Carlson and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is Richard Carlson. I am over 18 years old. I have personal knowledge of the facts as stated herein.

2. My wife, Ulrike Carlson, and I are the legal parents and next friends of our minor children, A.C. and P.C., ages 9 and 17, respectively, who are plaintiffs in this action.

3. I am a resident of Iowa City in Johnson County, Iowa, along with my wife and our children. I have lived in Iowa for 26 years, and my wife has lived here for 21 years. Both of our children were born here.

4. A.C. is a girl in the 4th grade at Twain Elementary School in Iowa City. P.C. is a non-binary student in the 12th grade at Iowa City High School.

5. A.C. is transgender. She is binary rather than non-binary, identifying as a girl. A.C. was assigned male at birth, but she has been identifying as a girl since she was old enough to

articulate how she felt, around the time of her third birthday. She had been interested in colors coded as female—pink and purple—for her wardrobe long before she turned three, and two months before her third birthday she chose a Minnie Mouse costume as the one she wanted to wear that year for Halloween. But it was only around the time of A.C.’s third birthday that Ulrike and I began questioning her directly about her gender identity. The exchange I remember most clearly from that time, because it was initially mystifying to Ulrike and myself, is A.C.’s expressing herself adamantly (in German, one of her two native languages) after we’d attempted to dress her in traditionally boys’ clothes: “Ich will aber ein Kind sein!” (“But I want to be a child!”). Our reassurances that she was a child did not make her any less agitated. After we questioned her further, it became clear that she thought that “Kind” (“child”) was the opposite of “Junge” (“boy”), and that she was trying to convey that she wanted to be—and to be dressed as—a girl. She soon came to identify explicitly and exclusively as a girl.

6. By the time she was four, A.C. wanted people (other than her parents) to address her exclusively with she/her pronouns. She was more lenient with her parents, allowing us to continue to refer to her with he/him pronouns, although by this time she would reject pretty much any item of boy’s clothing we bought for her. It was also around this time, perhaps around the age of four, that she began insisting on using the women’s rest room rather than the men’s rest room in public places. Ulrike and I continued to question her over the next year or so, thinking her identification as female may have been just a phase. Indeed, we sometimes hoped that it was just a phase, since we knew how difficult our society can make it for trans people. But A.C. was consistent. To her family, her friends, and her preschool day care, she presented herself as a girl. Eventually we stopped buying her boys’ clothing completely, and began using she/her pronouns exclusively.

7. By the time A.C. entered kindergarten at age five, she had been identifying as a girl consistently for at least a year, probably closer to two. She wore skirts and dresses, she used girls' or women's rest rooms, and she wanted to be known as a girl and to be called by she/her pronouns. A.C. does well in school and is well liked by her peers. She enjoys video games, manga, and anime, and is fascinated by large numbers, like Graham's Number and Tree(3). A.C. is confident in who she is and we support her completely in being true to her identity.

8. P.C. is transgender. They are non-binary rather than binary, identifying as neither male nor female. P.C. was assigned female at birth. P.C. uses all pronouns (he/she/they). For the sake of consistency, P.C. will be referred to here by they/them pronouns. P.C. had a less linear path to their gender identity than A.C. did. In their elementary school years, they tended to dress in traditionally female clothing, although they also liked to dress up in suits and ties. In P.C.'s early teen years, they seemed to adopt a new sexual orientation or gender identity every few months. As confusing, and sometimes frustrating, as this was for their parents, in retrospect it is clear that P.C. was trying to understand what they were feeling: what it means to be non-binary and transgender, and what labels most closely approximated what they understood their gender identity to be. During this period of searching, P.C. asked me questions that I found hard to answer, like "Why do you identify as a man? How do you know you're a man?" Around eighth grade, P.C. stopped using their birth name, which they associated with a younger version of themselves that they no longer felt accurately represented who they were, and adopted the name P.C., named after a character in Shakespeare's *A Midsummer Night's Dream*. Eventually P.C. came to better understand their own gender identity and they have identified consistently as non-binary for two or three years now.

9. P.C. enjoys reading, creating art (digital and otherwise), listening to and playing music, and most of their school subjects, especially literature, science, math, and art. P.C. is outstanding academically, is well liked by their peers, and is a warm, caring, and empathetic person. P.C. is confident in who they are and we support them completely in being true to their identity.

10. After passage of SF 496, A.C.'s school removed all LGBTQ+ flags, posters, and similar items from classrooms and other spaces. Even the use of rainbows as decorations is now discouraged, whether or not the rainbow design is associated directly with a LGBTQ+ message. No LGBTQ+ flags, signs, or other messages of support can be seen now in the classrooms, library, hallways, or other locations in the school. This sends the message to the school's LGBTQ+ students—and to its faculty and staff, for that matter—that they are invisible at best, and unwelcome at worst. This most obviously harms LGBTQ+ children, who are made to feel as though they don't exist, or shouldn't exist, but it also harms other children, who are kept in ignorance that LGBTQ+ kids exist. If one of the goals of school is to prepare children to live in a pluralistic society, then SF 496 works directly against that goal.

11. Before the passage of SF 496, A.C.'s school had a GSA (Genders & Sexualities Alliance), the aim of which was to build community among the LGBTQ+ students at the school. Community-building is important for members of marginalized groups, including LGBTQ+ children, who may feel—or be made to feel—isolated, and who are often targets of bullying. A.C., then a third grader, attended meetings of her school's GSA last year. This year, A.C.'s school district prohibited GSAs at the K-6 level. A.C. and other LGBTQ+ students at her school have therefore not been able to attend a meeting of the GSA this year.

12. SF 496 is vaguely worded, so it's not clear what constitutes prohibited instruction related to sexual orientation and gender identity. Because of the vague wording and lack of guidance from the state in how to interpret the law, the teachers and administrators at A.C.'s school are struggling to balance following the law with meeting the needs of their LGBTQ+ students, including their basic human need of having their existence acknowledged. Because the school district interprets the law as prohibiting LGBTQ+ messages—or even just rainbows—in K-6 schools, it is clear that the school district administrators believe they cannot acknowledge or support A.C.'s gender identity as a fourth-grade transgender girl in any meaningful way without running afoul of the law. I'm fearful that without official or unofficial classroom instruction about gender identity at the K-6 level, or even acknowledgement that gender identity and transgender students exist, A.C.'s gender identity will not be understood as normal and acceptable by her teachers and peers, and may lead to bullying in the future. A.C. has already heard the occasional anti-trans comment from a classmate, although most of her classmates accept who she is without question. Will the law embolden other children to bully A.C. for expressing who she is? Will her teachers face retaliation from the school district or the state if those teachers support A.C. in her gender identity? I'm very worried that SF 496, both as written and as it's being interpreted in my school district, will harm my child in multiple ways.

13. In addition to my concern that A.C. will not be able to safely express her gender identity or have it acknowledged in the classroom, I'm concerned that books that speak directly to A.C.'s identity have been or will be removed from her school library. I want A.C. to be able to read books about trans kids—about people like her—books that seem certain to be removed from K-6 school libraries as a result of SF 496. One important age-appropriate example is *Melissa* by Alex Gino, a novel for young people centered on a transgender fourth grader. This book had a

great impact on P.C. while they were trying to understand their gender identity. Access to age-appropriate books and other materials focused on LGBTQ+ characters is critical—life-changing, and possibly even life-saving—for LGBTQ+ young people, including those in grades K-6. The law doesn't only ban works of fiction from school libraries. A.C. tells me that a non-fiction book about adolescence, including a chapter discussing changes to the body during puberty, has already been removed from her school library, presumably because it contains content about sexuality. This deprives A.C. and others in her school of factual information about puberty that they may not encounter in the school curriculum until years after they experience the onset of puberty. I am deeply concerned that, as a result of SF 496 and the school district's implementation of this law, age-appropriate books dealing with sexual orientation and gender identity, including books that allow A.C. to see her own experiences and identity reflected, will not be available for her in the school library.

14. SF 496 sends a clear message to A.C. that something is wrong with her. It tells her that she needs to hide her gender identity, to accept that her school and her teachers cannot acknowledge or support her gender identity, and to accept that she cannot read or learn about transgender kids like herself in school. If she simply expresses who she is, the consequences for herself, her teachers, and her school could be substantial. Although the law as written prohibits instruction in sexual orientation and gender identity at the K-6 level, without singling out instruction in LGBTQ+ issues specifically, A.C.'s school district is not interpreting the law to force other children to accept the same constraints on their gender identity and self-expression that are imposed on LGBTQ+ children. Non-LGBTQ+ children are still allowed to read books in school about people who share their gender identities, and to see posters at the school that validate their gender identities. I do not want A.C. to internalize the negative message that this law sends, that

she is not only different from her classmates, but inferior to them, and subject to constraints on her self-expression that do not apply to her classmates.

15. A.C.'s experience at school this year is different from previous years as a result of SF 496 and other recently enacted laws targeting transgender youth. A.C. can't understand why laws that target her and other children like her were passed. She feels that she has less freedom to express who she is at school, and she fears that being honest and open about her identity will get her, or any teachers or staff who might show support for her, into trouble. The environment at school now makes her feel singled out, anxious, and upset. She doesn't know which adults she can trust at school; many teachers and staff might be supportive of her gender identity in private, but they feel the law forces them to offer A.C. little or no support at school, where it's needed. Since the anti-trans bills were passed, A.C. has complained repeatedly about school, and done a lot of foot-dragging in the morning to keep herself away from school for as long as possible. The anti-trans laws make A.C. feel less safe and less supported in school.

16. In a way, P.C. has been affected less than A.C. by SF 496 since fewer prohibitions apply to grades 7-12 than to grades K-6. Nonetheless, the school district has removed many books from high school and junior high school libraries based on sexual content, so P.C. no longer has access at their high school library to a long list of books, including classic works of literature and LGBTQ+ books that contain characters that P.C. might relate to. Having access to these books was critical in P.C.'s journey to understand their own gender identity. These books describe a world where people like P.C. exist and their gender identity is validated. P.C. is very worried that their little sister, A.C., will be denied access to those same books and their important and affirming messages. More broadly, P.C. shares our concern that SF 496 and Iowa's other recent anti-trans

laws are creating a hostile school environment for A.C. that will continue to cause her anxiety and mental anguish as long as they continue to be enforced.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 24th day of November, 2023, at Iowa City, Iowa.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Richard Carlson". The signature is written in dark ink on a light-colored background.

Richard Carlson

Exhibit 10

Declaration of Brigit Stevens

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKKA PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

**DECLARATION OF
BRIGIT STEVENS**

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Brigit Stevens and pursuant to 28 U.S.C §1746, declare under penalty of perjury that the following is true and correct:

1. My name is Brigit Stevens. I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. My husband, Joe Stevens, and I are the legal parents, guardians, and next friends of our minor child, B.F.S., age 13, who is a plaintiff in this action.
3. Joe and I are residents of West Des Moines, Iowa, Polk County, along with our two teenaged children. We have been married for 16 years.
4. I am an ordained minister of the United Church of Christ in the Iowa Conference UCC and my husband works in project management in information technology.
5. Our younger child, B.F.S., is in the 8th grade at Indian Hills Junior High School in Clive, Iowa. B.F.S. is a bright, thoughtful, athletic, joyful, and caring teenager. They enjoy singing

in the choir, participating in drama, and the show choir at school. They enjoy their friends more than their classwork but manage excellent grades and are enjoyed by their teachers. B.F.S. is gender-fluid and uses they/he/she pronouns.

6. I am increasingly concerned that our district, West Des Moines Community Schools (“WDMCS”), is fearful and timid in how they are responding to the needs of our LGBTQ+ students because of SF 496. At the October 9, 2023 WDMCS school board meeting, a staff member shared with the board that teachers were in constant anxiety over how to handle issues that have come up because of the law and because of a lack of guidance from the district. One particular area of concern is if, when, and how to tell parents of a change to a student’s name and/or pronouns used at school. I know of a friend of B.F.S.’s whose parent refuses to use the child’s chosen name, even commented on it when we all ran into each other at the school open house prior to the first day of school this fall. This friend of B.F.S.’s rolled their eyes and seemed embarrassed by the parent’s comment. SF 496 negatively affects students like this friend who are learning and exploring their own identity. They can no longer rely on teachers to respect their right to choose how and when to share their changed names or pronouns with their parents, potentially adding stress and vulnerability to rejection and worse at home. SF 496 puts teachers in an impossible position when caring for students in such a vulnerable time and experience in their lives.

7. This fall, B.F.S. was bullied with anti-LGBTQ+ speech and the response from the district has been reserved and reactive rather than proactive as requested by us. The school principal tried to reassure my spouse and me after the incident by telling us that the school would continue to respond whenever anything happened. “We’ll keep responding,” he said. His words communicated that he fully expected the anti-LGBTQ+ bullying to continue. In that statement and

in our follow-up phone call he acknowledged that the current environment in our state is difficult for LGBTQ+ students. SF496 is intimidating our district leaders.

8. After B.F.S. was bullied, it was heartbreaking to hear about conversations among their friends. While there was dismay and anger that the bullying had happened, friends/classmates shared with B.F.S. that anti-LGBTQ+ bullying is to be expected when they wear rainbows or other clothing advertising that they are LGBTQ+. B.F.S. was disappointed and hurt to hear that some of their peers seemed to think that this is normal, or that LGBTQ+ students are in part responsible for their own harassment.

9. When B.F.S. changed their name 3 years ago, in 6th grade, the district accommodated that very easily and updated it in their system. Teachers needed reminding but they were receptive. But this year there was a software update and every child with a name in the system that was different from their birth certificate was mislabeled for two-weeks in several software programs the students used for daily learning. While the problem wasn't the fault of the district, the district's response to it was detrimentally affected by SF 496. The data/software problem would have been an appropriate moment for teachers and staff to teach students that everyone has a name and pronouns, and we use the ones they ask us to use as a matter of respect for them. Instead, for our child, there was a moment when a teacher used B.F.S.'s dead-name (prior name) before the entire class while demonstrating the software on the second day of school. As the teacher asked, "Who is this?" while calling our child's dead-name to the class, B.F.S. had to raise their hand and say, "That's me." The teacher didn't correct themselves, didn't teach the class to correct themselves, and didn't acknowledge the error that was made. SF 496 is paralyzing our teachers.

10. I just read the long list of books that are being pulled from the libraries of our secondary schools in the district because of SF496. I am angry and frustrated as a parent because

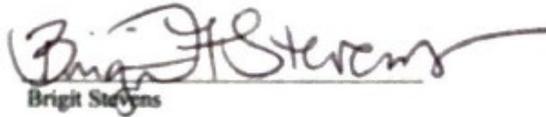
removing these books means less access for B.F.S. and kids like them to see themselves in media. Pulling these books, denying these kids representation in media, sends a message that there is something wrong with them, that even characters in books like them are so dangerous and/or disturbing kids need to be protected from them. Additionally, our district has a robust challenge process for books in our libraries. If anyone has a concern about a book, there are processes for our professional librarians, administrators, school board members, and parents to all participate in together to decide whether to continue to keep the book on the shelves. And parents always have the ability to limit which books their children check out from the library. SF496 removes my option as a parent to allow my child to read those books with the support of their teachers and librarians near them for questions, learning, and processing as needed.

11. It has been a rocky start to this year. The district has disappointed me, but it is mostly by their missed opportunities to do better. SF 496 looms in the background of all decision making. Our child deserves a safe and welcoming place in their school for learning and growing. SF 496 is having a direct harmful effect on our children and their school.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 18th day of November, 2023, at West Des Moines, Iowa.

Respectfully Submitted,



Brigit Stevens

Exhibit 11

Declaration of Lara Newsom

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA STATE
BOARD OF EDUCATION; IOWA CITY COMMUNITY
SCHOOL DISTRICT; MATT DEGNER, in his official
capacity as Iowa City Community School District
Superintendent; MOLLY ABRAHAM, J.P. CLAUSSEN,
CHARLIE EASTHAM, JAYNE FINCH, RUTHINA
MALONE, MAKKA PILCHER HAYEK, and LISA
WILLIAMS, in their official capacities as board members
of the Iowa City Community School District; SIOUX
CITY COMMUNITY SCHOOL DISTRICT; ROD
EARLEYWINE, in his official capacity as Sioux City
Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
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in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

**DECLARATION OF
LARA NEWSOM**

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Lara Newsom and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is Lara Newsom. I am over 18 years old. I have personal knowledge of the facts as stated herein.

2. I am the legal parent and next friend of my minor child, B.F., 16 years old, who is a plaintiff in this action and who has also submitted a declaration. B.F. is my youngest child, and we are very close. I am proud to say that even on the weekends, they often choose to hang out with mom and dad. They are a funny, caring, creative child who cares deeply for their friends and family. They struggle with anxiety and are currently receiving treatment for their anxiety disorder. They identify as non-binary and came out to us when they were in 7th grade. I have always been supportive of them and their LGBTQ friends, many of whom do not have support at home. I have held my crying child as they described their close childhood friends participating in hateful anti-

trans demonstrations in their own school in middle school that echo much of the same rhetoric we are seeing in the Iowa State House. I have sat up late at night with my child as we frantically tried to contact the parents of friends who are threatening self harm. In high school, they have found their home in the theater department where they have found tremendous support and strength in discovering who they are and who they want to become. I have seen them flourish in high school as they have been able to discover and try out new identities. They changed their name their freshman year and they were able to “try it out” at school before they told us, because they didn’t want us to have to go through the process of telling everyone if they decided it wasn’t the right fit. I was so thankful that they had that opportunity to discover themselves without needing me to hover over their every step.

3. I am a resident of Iowa. I have lived in Iowa for the last 16 years. I was born and raised in Iowa. After graduating from Iowa State and the University of Iowa, I attended graduate school in California. I lived in Los Angeles for six years before deciding to move my family back to Iowa in 2007 so that they could receive the same excellent public education that I received as a child.

4. When I first learned about this law I was worried for my child and their friends. These kids, B.F. and their friends, struggle enough with their own identities and dealing with bullying from other students that this feels like another heaping on of anxiety and “othering” for these kids. My child lost a friend to suicide a year ago and has had to report threats of self-harm to their friends’ parents since they were in 6th grade. We know how hard it is for LGTBQ+ kids to feel like they fit into school, and this law which was clearly designed to strip the libraries of any reference to LGBTQ children or adults was just another attack on these children by people who should know better.

5. This fall the Urbandale Superintendent published a list of around 400 books to be banned. The list of books actually removed from the shelves of the high school is closer to 50, but those books include classics like “The Color Purple” and “Ulysses.” The initial list made it perfectly clear that the books targeted for removal leaned heavily towards deleting LGBTQ characters from the shelves. One of the books actually removed from the shelves was “Gender Queer” which we bought for our child when they came out to us.

6. Many of the other books including “the Color Purple,” “Perks of Being a Wallflower,” and “The Sun and Her Flowers” deal with the topic of sexual abuse of children. There is an unknown number of children in the state of Iowa who have suffered sexual abuse at the hands of their caregivers. These children already carry shame about what happened to them, and banning books that discuss sexual abuse of children sends the message that the very existence of these children is a topic too inappropriate for school. It worries me that we will see fewer children reporting sexual abuse at home, and we will see higher suicide rates amongst LGBTQ students and students who have been sexually abused.

7. My child and their friends have talked about it with me. My child and their friends are angry. My child and their friends feel targeted. My child and their friends feel like the state is telling them that they are “too sexual” to belong in a public high school even though most of them are not currently sexually active and they are being targeted solely because of their LGBTQ identities.

8. Since passage of the law, my child and their friends are being more openly bullied by kids who are not themselves the target of this law. It feels like these other kids are emboldened to attack my child and their friends. B.F. and their friends get called “faggot” and have been told on more than one occasion to go kill themselves. My child has been called a “slut” because they

wear black clothing and eye make up. It is difficult for my child and their friends to report these incidents because they often do not even know the names of the students who are harassing them.

9. My child has one teacher who has been very supportive of them. I wanted to email the teacher to thank them for recognizing my child's humanity but I was worried that I would get them in trouble or cost them their job if I was too explicit in how I worded my email. I am aware that the school is able to monitor emails on their gmail account, and I am worried that they will use this monitoring to fish out teachers that are openly supportive of students. While this may or may not actually happen, this is the environment that has been created in our schools. It is very difficult to build trust between teachers, parents, and students, because all of us are afraid that saying the wrong thing—even a thank you for being supportive to an LGBTQ student who is struggling—will get someone fired. My child has expressed anxiety that the teacher that supports them will be fired because they respect my child's chosen name and pronouns. I did email the teacher and chose my words very carefully to thank them for helping my child feel safe in their classroom, and the teacher wrote back to express that they felt very frustrated by the new laws because it makes it more difficult to build trust between themselves and the students. I wanted to write a follow up email but I stopped because I was worried that I was treading on dangerous grounds and I didn't want to get a teacher that has done nothing but make my child feel like they belong fired.

10. In addition to the emotional toll this law is taking on my child and their friends, I worry what it will mean for their ability to compete academically nationwide, since many of the books that are being removed from libraries and classrooms are books that are listed on college preparatory lists. Personally, I studied *Odyssey* when I was an 8th grade student at Johnston Middle School in Iowa back in 1989. I was able to understand the poem so much more deeply because I

had the opportunity to read and discuss it with my teacher and fellow students. My teacher turned a boring book into something that was interesting. We studied this poem for several weeks. As a result I was able to understand references to this poem in other books, conversation, and popular culture, and I was already familiar with the book when it was referenced in my college classes. By banning the teaching of and removing these books entirely from public school libraries, the State of Iowa is stripping away the opportunity to read and discuss classic books and novels from all of the children of Iowa. As an upper middle class parent, I am able to afford to buy these books for my children, however I will never be able to replicate the experience of a classroom discussion or the guidance of an experienced teacher. This law was passed under the guise of “Parental Rights” however, previous to this law, any parent in the state of Iowa could already request that their student be exempt from reading any book that the parent deemed inappropriate for their own child. Under this new law, a small handful of parents are demanding that any material that they deem offensive be removed from classrooms and libraries for all students regardless of how any other parent in the district feels. I do not think that queer or transgender characters are inappropriate for children. I believe that children are capable of understanding and interpreting a wide variety of characters and situations safely while reading books. Depriving children of these reading opportunities is intentionally narrowing their world view in an attempt to make them less tolerant of people who do not look, believe, or act exactly like them. I do not appreciate that I am being forced to co-parent with people that believe my child should be forced back into the closet and made to conform to their religious beliefs. By enrolling my child in a public school in Iowa, I am being forced as a parent to participate in a hateful crusade against LGBTQ children and adults. It makes me even more angry because I chose to move my children back to the State of Iowa because of the excellent public schools, only to find that the public schools in Iowa are being forced to

mirror the religious beliefs of a small number of parents at the expense of the education of Iowa's public school students.

11. One of the reasons I chose to enroll my children in public schools is because public schools serve the public. Public schools are designed to provide a safe and inclusive learning environment for all children in the State of Iowa regardless of their religion, race, gender, sexuality, or other personal background. Public schools allow children to interact with other students who are not like them and to learn to work with and listen to people with different perspectives and backgrounds. We learn tolerance in public schools along with math, history, and reading. This law, SF 496, is pushing the personal, often religious, beliefs of the lawmakers who wrote this law in our public school system. These beliefs work from the base assumption that people who are not cis-gendered or heterosexual are somehow deviant, sinful, or wrong, and that even reading books with characters who talk about their gender identity or sexuality are inappropriate for anyone in Iowa's public schools. The lawmakers who publicly defend this bill refer to any mention of gender or sexuality as "pornography" and refer to transgender people as "groomers". The State of Iowa is intentionally singling out and vilifying LGBTQ people and creating a secondary class of Iowa public school students who are not allowed to discuss their gender or their sexuality in their own classrooms with their own peers. From my perspective as a parent of a transgender child, this bill is meant to keep them quiet about being a member of the LGBTQ community by encouraging other students to see them as deviant and by limiting their ability to have open and honest classroom discussions about who they are as a person.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 24 day of November, 2023, at Urbandale, Iowa.

Respectfully Submitted,

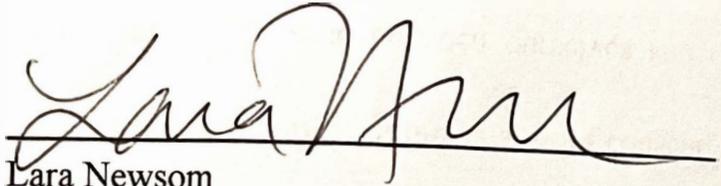

Lara Newsom

Exhibit 12

Declaration of Ulrike Carlson

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

GLBT YOUTH IN IOWA SCHOOLS TASK FORCE
d/b/a/ IOWA SAFE SCHOOLS; P.B.-P., by his parent and
next friend, BELINDA SCARROTT; P.C. and A.C., by
their parents and next friends, RICHARD and ULRIKE
CARLSON; T.S., by her parent and next friend, ERIC
SAYLOR; B.F.S., by their parents and next friends,
BRIGIT and JOSEPH STEVENS; ROBERT SMITH, by
his parents and next friends JANE and JOHN SMITH;
B.F., by their parent and next friend, LARA NEWSOM;
JAMES DOE, by his parent and next friend, JOHN DOE,

Plaintiffs,

v.

KIM REYNOLDS, in her official capacity as Governor of
the State of Iowa; MCKENZIE SNOW, in her official
capacity as Director of the Department of Education;
IOWA DEPARTMENT OF EDUCATION; IOWA
STATE BOARD OF EDUCATION; IOWA CITY
COMMUNITY SCHOOL DISTRICT; MATT DEGNER,
in his official capacity as Iowa City Community School
District Superintendent; MOLLY ABRAHAM, J.P.
CLAUSSEN, CHARLIE EASTHAM, JAYNE FINCH,
RUTHINA MALONE, MAKI PILCHER HAYEK, and
LISA WILLIAMS, in their official capacities as board
members of the Iowa City Community School District;
SIOUX CITY COMMUNITY SCHOOL DISTRICT;
ROD EARLEYWINE, in his official capacity as Sioux
City Community School District Superintendent; DAN
GREENWELL, JAN GEORGE, TAYLOR GOODVIN,
BOB MICHAELSON, MONIQUE E. SCARLETT,
PHILIP HAMMAN, and BERNIE SCOLARO, in their
official capacities as board members of the Sioux City
Community School District; URBANDALE
COMMUNITY SCHOOL DISTRICT; ROSALIE DACA,
in her official capacity as Urbandale Community School
District Superintendent; KATHERINE HOWSARE,
BRIANNA SAYRE GEISER, ASHLEY ANDERSON,
DANIEL GUTMANN, RACHEL KENT, JENNY
MEADE, JASON MENKE, JULIE MITCHELL, and

Case No. 4:23-cv-474

**DECLARATION OF
ULRIKE CARLSON**

STEVE RICHMAN, in their official capacities as board members of the Urbandale Community School District; WATERLOO COMMUNITY SCHOOL DISTRICT; JARED SMITH, in his official capacity as Waterloo Community School District Superintendent; SUE FLYNN, JESSE KNIGHT, ASTOR WILLIAMS, LYLE SCHMITT, STACIE MILLS, JANELLE EWING, PAM ARNDORFER, and JEFF SOMMERFELDT, in their official capacities as board members of the Waterloo Community School District; WEST DES MOINES COMMUNITY SCHOOLS; MATT ADAMS, in his official capacity as West Des Moines Community Schools Superintendent; JEFF HICKS, LILA P. MONTOYA STARR, LIZ COX, LONNIE DAFNEY, FANNETTE ELLIOTT, JILL CATON JOHNSON, and ANADELIA MORGAN, in their official capacities as board members of the West Des Moines Community Schools District,

Defendants.

COMES NOW, Ulrike Carlson and pursuant to 28 U.S.C §1746, declares under penalty of perjury that the following is true and correct:

1. My name is Ulrike Carlson. I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. My husband, Richard Carlson, and I are the legal parents and next friends of our minor children, A.C. and P.C., ages 9 and 17 respectively, who are plaintiffs in this action.
3. I am a resident of Iowa City in Johnson County, Iowa, along with my husband and our children. I have lived in Iowa for 21 years.
4. A.C. is a girl in the 4th grade at Twain Elementary School in Iowa City. P.C is a non-binary student in the 12th grade at Iowa City High School.
5. A.C. is transgender. At the age of 1.5 years, A.C. learned to say several color words and started demanding that all her clothes be “purple.” We honored her wishes at that point and

bought traditional boys' clothes in that color. A.C. also showed an interest in toys that are generally considered to be more typical for girls, such as dolls and sparkly crowns. At age three, A.C. started complaining and crying every morning before daycare when we were putting on clothes, at times fighting every part of her outfit. During those occasions, A.C. said (she spoke predominantly German in the home as a toddler): *Ich will aber ein Kind sein.* (But I want to be a child.) When we reassured A.C. that she indeed was a child, more tears and tantrums would follow. We later realized that she had mixed up the German words *Kind* (child) and *Mädchen* (girl). After several months of A.C. being very unhappy every morning, we permitted A.C. to choose her own Halloween costume at Costco. She picked a frilly, pink Minnie Mouse costume with white polka dots. At home she put it on and her whole demeanor changed, the previous sadness was gone. I asked her if that was what she meant with being a *Kind* and she repeatedly replied in the affirmative.

6. We began letting her wear dresses and skirts at home and for family outings occasionally, but not for school, as we weren't sure whether her daycare would be fully supportive. A change of daycare allowed us to let A.C. present fully as a girl. When she entered kindergarten, she did so fully presenting as a girl. Initially, she opted to use either they/them or she/her pronouns, but quickly amended that to using only she/her which she continues to use now.

7. A.C. she has never wavered in her conviction: she is a girl. She is fully accepted as such by her friends and enjoys playing with dolls, reading and playing video games. She has many friends, is well-liked by her peers and does very well in school.

8. Recently, A.C. has been very worried as some female classmates and friends are on the cusp of puberty. She desperately wishes for her body to undergo these changes, as well, and dreads any potential change towards a more masculine body. The possibility of not being seen as female by her peers, teachers and other adults leads to feelings of anxiety and sadness for her.

Recently, she has also been considering changing her name into something more traditionally female despite her past fondness for her first name, which is one that is traditionally male. While she experiences anxiety and depression due to those uncertainties in her life, A.C. is confident in who she is and we support her completely in being true to her identity.

9. P.C. is a 17-year-old student who currently uses all pronouns (he/she/they). P.C. attends Iowa City High School where they excel in all their subjects. P.C. is equally interested in natural sciences and language arts and is also a talented artist. They plan to study medical anthropology and computer science and currently hold a 3.96 GPA. Starting to fluently read chapter books at age 4, P.C. has always been a voracious reader of both fiction and non-fiction. They are currently working on an advanced research project for their AP research class that they are very dedicated to. P.C. was always a child who liked to question things and who did not like to be beholden to traditional gender expectations. P.C. might wear a dress one day and a three-piece suit the next. As P.C. got older, their non-binary identity solidified and culminated in adopting their chosen name, P.C. Throughout their time in school, P.C. has always been well-liked by their peers and has shown natural leadership abilities. We have always supported P.C. in being true to themselves and their identity.

10. After passage of SF 496, A.C.'s school removed all safe space stickers and LGBTQ+ pride flags from classrooms and other spaces. After this happened, A.C. was often reluctant to go to school. She expressed on numerous occasions that she felt unsafe or as if somebody was "watching her" because she was different. A.C. feels as if she is being singled out for being transgender. She talked to me recently about her worries about being disliked for who she is, but also affirmed her identity as a transgender girl. Previously, teachers were able to educate others about A.C.'s identity when necessary and books about gender identity were available in

classrooms and the library. Rare instances of questions from peers about A.C.'s gender were met with child-appropriate explanations regarding A.C.'s trans identity. In fact, back then, A.C. felt comfortable sharing the fact that she is trans with close friends in her classroom. Now she is unsure of what is safe and legal to say and so are her educators, creating a climate of distrust, worry, and fear that is not conducive to A.C.'s education or wellbeing.

11. During October of 2023, A.C. reported to me an instance of bullying where another student from her class told her that being trans was "stupid" and that that particular student did not like trans people. A.C.'s classroom teacher interfered, telling the offending students that such language was not permitted: according to A.C. she said "Oh no, we don't say that!" to the student. However, the teacher did not follow this reprimand up with any teaching on tolerance and gender identity, as would have happened in the past. When A.C. reported this to me, she expressed disappointment with the teacher's response and told me that she would have liked the student to be told more clearly that trans people should not be bullied. She fears that these incidents will become more frequent now that teachers cannot talk about gender identity in school.

12. Because of incidents such as this one, I am worried that the current state of the law creates a hostile environment for my child, who is already especially vulnerable as part of a minority. I am worried that similar incidents of bullying will increase now that teachers are unable to address the topic of gender identity. A.C.'s teachers are put in the impossible position to choose being supportive educators over compliance with the laws.

13. SF 496 has put considerable stress on the entire family as we constantly worry that A.C. may experience further harmful incidents in school without teachers being able to address the root cause. As a result, my husband and I talked to A.C. and asked her to not share her status

as a trans girl with any other peers and we have taken care to ensure that A.C. avoids wearing clothing that might reveal her biological sex.

14. A.C.'s school has started removing books that acknowledge the existence of LGBTQ+ people. This deprives A.C. of the ability to see herself reflected in any of the materials in her classrooms as she grows older. A.C. often acknowledges that access to books and other materials that include references to LGBTQ+ characters meant a lot to her.

15. When P.C. was younger, P.C. read *Melissa* by Alex Gino and found the book deeply comforting because the novel concerns a transgender fourth grader who finds the courage to tell others who she is. While the school district's removal list is not yet finalized, the mere idea that many books that were seminally important to P.C. might be removed from elementary school libraries now or in the future and might not be available to A.C. and other children at some point, creates a lot of stress and mental anguish for both children. I worry that the potential removal of books and the lack of access to books containing diverse characters and identities will lead to both of our children being singled out and mistreated for who they are. Access to books containing diverse characters is an extremely important factor in fostering the tolerance and acceptance that is needed to ensure that members of the LGBTQ+ minority can access education free of harm and without danger to their physical and mental wellbeing.

16. I do not want A.C. to internalize the message sent by this law that there is something wrong with her, that she should be silenced and erased from school entirely, and that it is wrong for her even to have access to materials that acknowledge that she is not alone in her identity.

17. A.C. understands that school is different this year as a result of SF 496 and other recently-enacted laws targeting transgender youth, and I can tell that she is hurt, stressed, and upset. As stated above, she is suddenly reluctant to go to school, a place she formerly loved and

could not wait to go to every morning. She is often sad and withdrawn, and has expressed fear, frustration and resignation, as well as worry about never fitting in. I am worried about the toll this is taking on A.C.'s ability to have a happy childhood.

18. The passage of SF 496 has also added considerable stress and worry to P.C.'s life. The idea of not feeling welcome at school anymore, the idea of losing access to books they might need for their classes (e.g. for their AP Research class or their English class) have negatively affected P.C.'s quality of life and stressed them out during a time when they should focus on preparing for college. Most importantly, P.C. is highly worried about the effect of the book ban and the "Don't Say Gay" legislation on their little sister. P.C. is very protective of their sister and they share a strong relationship. P.C. has expressed feelings of resignation and futility, as well as an extreme worry that their little sister might not be safe in school and in public anymore.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 24th day of November, 2023, at Iowa City, Iowa.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ulrike Carlson". The signature is written in a cursive style with a long horizontal stroke at the end.

Ulrike Carlson