

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Susan E. Bindler
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

September 10, 2025

Elizabeth Catherine Kramer
ATTORNEY GENERAL'S OFFICE
Suite 600
445 Minnesota Street
Saint Paul, MN 55101-2125

RE: 25-2186 Iowa Safe Schools, et al v. Kim Reynolds, et al

Dear Counsel:

The amicus curiae brief of the amicus State of Minnesota in support of the appellees has been filed. If you have not already done so, please complete and file an Appearance form. You can access the Appearance Form at www.ca8.uscourts.gov/all-forms.

Please note that Federal Rule of Appellate Procedure 29(g) provides that an amicus may only present oral argument by leave of court. If you wish to present oral argument, you need to submit a motion. Please note that if permission to present oral argument is granted, the court's usual practice is that the time granted to the amicus will be deducted from the time allotted to the party the amicus supports. You may wish to discuss this with the other attorneys before you submit your motion.

Susan E. Bindler
Clerk of Court

BNW

Enclosure(s)

cc: Joshua Armstrong
Shefali Aurora
Rita N. Bettis Austen
Christopher James Blythe
Sasha Buchert
Effiong Dampha
Daniel Roberto Echeverri
Laura Joy Edelstein
Karen Loewy
Karen Lou
Anna Lyons
Katherine Mather

Nathan A. Maxwell
Connor S.W. Rubin
Thomas Dillon Story
Camilla B. Taylor
Kenneth D Upton Jr.
Patrick Cannon Valencia
Eric H. Wessan

District Court/Agency Case Number(s): 4:23-cv-00474-SHL

No. 25-2186

IN THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Iowa Safe Schools f/k/a GLBT Youth in Iowa Schools Task Force, *et al.*,
Plaintiffs-Appellees,

vs.

Kim Reynolds, McKenzie Snow, John Robbins, in their official capacities,
Defendants-Appellants.

Matt Degner, *et al.*, in their official capacities,
Defendants.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CASE No. 23-CV-00474-SHL-SBJ**

**BRIEF OF STATE OF MINNESOTA AS *AMICUS CURIAE*
SUPPORTING PLAINTIFFS-APPELLEES AND AFFIRMANCE**

KEITH ELLISON
Attorney General

LIZ KRAMER
Solicitor General

MARA SYBESMA
MADELEINE DEMEULES
Assistant Attorneys General

445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101

Attorneys for Amicus Curiae State of Minnesota

TABLE OF CONTENTS

| | Page |
|--|------|
| TABLE OF AUTHORITIES | ii |
| INTRODUCTION AND STATEMENT OF INTEREST..... | 1 |
| ARGUMENT | 2 |
| I. IT IS VITAL FOR LGBTQ+ STUDENTS TO HAVE ACCESS TO REPRESENTATION AND SUPPORT IN SCHOOL. | 3 |
| II. HISTORY REFLECTS THE DEVASTATING IMPACT THAT LAWS LIKE THOSE CHALLENGED HERE HAVE ON MARGINALIZED COMMUNITIES. | 10 |
| A. Banning Books Is an Age-Old Method of Censoring Disfavored Ideas and Associated Groups of People. | 11 |
| B. Banning or Hindering Gender-Sexuality Alliances in Schools Runs Counter to the Documented Benefits of These Groups. | 13 |
| CONCLUSION..... | 15 |

TABLE OF AUTHORITIES

| | Page |
|--|-------|
| Federal Cases | |
| <i>Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico</i> 457 U.S. 853 (1982)..... | 1 |
| <i>Doe by & through Doe v. Boyertown Area Sch. Dist.</i> 897 F.3d 518 (3d. Cir. 2019)..... | 5, 8 |
| <i>E. High Gay/Straight All. v. Bd. of Educ. of Salt Lake City Sch. Dist.</i> 81 F. Supp. 2d 1166 (D. Utah 1999)..... | 15 |
| <i>Erznoznik v. Cty. of Jacksonville</i> 422 U.S. 205 (1975)..... | 1, 4 |
| <i>Gay & Lesbian Students Ass’n v. Gohn</i> 850 F.2d 361 (8th Cir. 1988)..... | 14 |
| <i>Gillmann ex rel. Gillman v. Sch. Bd. for Holmes Cnty. Fla.</i> 567 F. Supp. 2d 1359 (N.D. Fla. 2008)..... | 4 |
| <i>Home Instead, Inc. v. Florance</i> 721 F.3d 494 (8th Cir. 2013)..... | 3 |
| <i>Keyishian v. Bd. of Regents of Univ. Of State of N.Y</i> 385 U.S. 589 (1967)..... | 11 |
| <i>Mahanoy Area Sch. Dist. v. B.L.</i> 594 U.S. 180 (2021)..... | 1, 12 |
| <i>Parents Defending Educ. v. Linn Mar Cmty. Sch. Dist.</i> 83 F.4th 658 (8th Cir. 2023) | 8 |
| <i>PFLAG v. Camdenton R-III Sch. Dist.</i> 853 F. Supp. 2d 888 (W.D. Mo. 2012) | 4 |
| <i>Rosenberger v. Rector & Visitors of Univ. of Va.</i> 515 U.S. 819 (1995)..... | 1 |

| | |
|---|---|
| <i>S.F. A.I.D.S. Found. v. Trump</i> -- F. Supp. 3d --, 2025 WL 1621636 (N.D. Cal. June 9, 2025) | 4 |
|---|---|

| | |
|--|---|
| <i>Tinker v. Des Moines Indep. Sch. Dist.</i> 393 U.S. 503 (1969) | 1 |
|--|---|

| | |
|---|-------|
| <i>W. Va. State Bd. of Educ. v. Barnette</i> 319 U.S. 624 (1943) | 1, 15 |
|---|-------|

State Statutes

| | |
|-----------------------------|---------|
| Iowa Code § 279.80(2) | 1, 4, 9 |
|-----------------------------|---------|

| | |
|------------------------------|------|
| Iowa Code § 256.11(19) | 3, 4 |
|------------------------------|------|

| | |
|----------------------------|----|
| Minn. Stat. § 134.51 | 13 |
|----------------------------|----|

| | |
|--------------------------|---|
| Minn. Stat. § 363A | 1 |
|--------------------------|---|

Other Authorities

| | |
|---|----|
| Am. Library Ass’n Off. for Intell. Freedom, <i>Field Report 2022: Banned and Challenged Books</i> (14-15) | 13 |
|---|----|

| | |
|--|---|
| Jonathan Cohen et al., <i>School Climate: Research, Policy, Teacher Education and Practice</i> 111 Tchrs. Coll. Rec. (1) 180-213 (2009) | 5 |
|--|---|

| | |
|---|----|
| Nathalie Conklin, <i>From the Library of Alexandria to the Local School Board: The Modern American Perpetuation of the Legacy of Banned Books</i> 48 T. Marshall L. Rev. 51, 53 (2023) | 11 |
|---|----|

| | |
|--|---|
| Kerith Conron, <i>LGBT Youth Population in the United States</i> UCLA Sch. of L. Williams Institute (Sep. 2020) | 4 |
|--|---|

| | |
|---|---|
| Linda Darling-Hammond et al., <i>Implications for Educational Practice of the Science of Learning and Development</i> 24 Applied Dev. Sci. 97-98 (Feb. 17, 2019) | 5 |
|---|---|

| | |
|--|------|
| Jack K. Day et al., <i>Safe and Supportive Schools for LGBT Youth: Addressing Educational Inequities Through Inclusive Policies and Practices</i> 74 J. Sch. Psych. 29-43 (June 2019) | 8, 9 |
|--|------|

| | |
|---|--------|
| Tonia Durden & Julie Dangel, <i>Teacher-Involved Conversations with Young Children During Small Group Activity</i> 28 Early Years (Issue 3) 251-66 (2008)..... | 2 |
| Camilla Eckert-Lind et al., <i>Worldwide Secular Trends in Age at Pubertal Onset Assessed by Breast Development Among Girls: A Systematic Review and Meta-analysis</i> 174 JAMA Pediatrics (Issue 4) 1, 9 (2020) | 9 |
| Azeen Ghorayshi, <i>Puberty Starts Earlier Than It Used To. No One Knows Why</i> N.Y. Times (May 19, 2022)..... | 9 |
| Robyn Gillies, <i>Promoting Thinking, Problem-Solving and Reasoning During Small Group Discussions</i> 17 Tchrs. & Teaching 73-89 (2011)..... | 2 |
| Erin Godfrey & Justina Grayman, <i>Teaching Citizens: The Role of Open Classroom Climates in Fostering Critical Consciousness Among Youth</i> 43 J. Youth & Adolescence 1801-17 (2014) | 2 |
| Tyler Hatchel et al., <i>Peer Victimization and Suicidality Among LGBTQ Youth: The Roles of School Belonging, Self Compassion, and Parental Support</i> 16(2) J. LGBT Youth 134, 147-48 (2019)..... | 7 |
| Tyler Hatchel et al., <i>Sexual Harassment Victimization, School Belonging, and Depressive Symptoms Among LGBTQ Adolescents: Temporal Insights</i> 88(4) Am. J. Orthopsychiatry 422, 426-27 (2018) | 7 |
| Marcia Herman-Giddens et al., <i>Secondary sexual characteristics in boys: data from the Pediatric Research in Office Settings Network</i> 130 Pediatrics (Issue 5) 1022, 1025 (2012) | 9 |
| Bryce B. Hudgins & Sybil Edelman, <i>Teaching Critical Thinking Skills to Fourth and Fifth Graders through Teacher-Led Small-Group Discussions</i> 79 J. Educ. Rsch. (Issue 6) 333-42 (1986)..... | 2 |
| Dominique Johnson, <i>“This is Political!” Negotiating the Legacies of the First School-Based Gay Youth Group</i> 17 Child., Youth, & Env’t’s (Issue 2) 380, 383 (2007). | 13, 14 |

| | |
|--|------------|
| Jeffrey Jones, <i>LGBTQ+ Identification in U.S. Rises to 9.3%</i> Gallup (Feb. 20, 2025) | 4 |
| Wojciech Kaczkowski et al., <i>Examining the Relationship Between LGBTQ-Supportive School Health Policies and Practices and Psychosocial Health Outcomes of Lesbian, Gay, Bisexual, and Heterosexual Students</i> 9(1) LGBT Health 43-53 (Jan. 2022)..... | 8 |
| Joseph G. Kosciw et al., GLSEN, <i>The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation’s Schools</i> xv-xvii, 83, 93 (2022)..... | 5, 6, 7, 8 |
| Noah Kreski & Katherine Keyes, <i>Adolescent Disparities in Exposure to Adverse Childhood Experiences by Gender Identity</i> 179 JAMA Pediatrics (Issue 6) 681-683 (2025) | 5, 6 |
| David Martín-Castillo et al., <i>School Victimization in Transgender People: A Systematic Review</i> 119 Child. & Youth Servs. Rev. 105480 (2020)..... | 6 |
| Mollie McQuillan, <i>Transgender Adolescent School Climate, Mental Health, and Adult Social Support</i> 2024 JAMA Pediatrics (Issue 10) 1082-1084 (2024) | 6 |
| Mollie McQuillan, <i>Gender Minority Stress, Support, and Inflammation in Transgender and Gender-Nonconforming Youth</i> 6 Transgender Health (Issue 2) 19 (2021) | 6 |
| Joel Mittleman, <i>Adverse Childhood Experiences Among LGBTQ+ High School Students: National Evidence From the 2023 Youth Risk Behavior Survey</i> 115 Am. J. Pub. Health 1137-45 (2025) | 6 |
| Nat’l Academies of Sci., Eng’g, & Med., <i>Understanding the Well-Being of LGBTQI+ Populations</i> 231-51 (Jordyn White et al., ed. 2020). | 9 |
| Suzanne Nossel, <i>The Fate of American Democracy Depends on Free Speech</i> 5 J. Free Speech L. 275, 277 (2024) | 11 |
| Caroline L. Osborne, <i>Freedom of Expression, Collection Management, and Ethical Decision-Making: Censorship of the Good, the Bad, the Ugly, and</i> | |

| | |
|--|--------|
| <i>Our Obligations to Preserve a Culture’s Story</i> 117 Library L. J. 191, 194 (2025)..... | 11, 12 |
| Walter Penrose Jr., <i>Sappho’s Shifting Fortunes from Antiquity to the Early Renaissance</i> 18 J. Lesbian Stud. (Issue 4) 415, 421-24 (2014) | 13 |
| V. Paul Poteat et al., <i>GSA Advocacy Predicts Reduced Depression Disparities Between LGBTQ+ and Heterosexual Youth in Schools</i> 54 J. Clinical Child & Adolescent Psych. (Issue 4) 501, 503 (2024) | 13 |
| Phillip Schnarrs et al., <i>Differences in Adverse Childhood Experiences (ACEs) and Quality of Physical and Mental Health Between Transgender and Cisgender Sexual Minorities</i> 119 J. Psych. Rsch. 1-6 (2019)..... | 6 |
| Nicolas Suarez et al., <i>Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students – Youth Risk Behavior Survey, United States, 2023</i> 713 MMWR Suppl. (Issue 4) 50-58 (2024)..... | 8 |
| Amrit Thapa et al., <i>A Review of School Climate Research</i> 83 Rev. Educ. Rsch. (Issue 3) 353, 359-60 (2003)..... | 5 |
| The Trevor Project, <i>2023 National Survey on the Mental Health of LGBTQ Young People</i> (2023)..... | 7 |
| Jack L. Turban et al., <i>Social Transition for Transgender and Gender Diverse Youth, K-12 Harassment, and Adult Mental Health Outcomes,</i> 69 J. Adolescent Health (Issue 6) 991, 6-7 (2022) | 9 |
| Keith Weimer, <i>From Berkeley to Beloved: Race and Sexuality in the History of Book Censorship in Virginia</i> 67 Va. Libraries (Issue 1) 1, 9 (2023)..... | 12 |
| Natalie M. Wittlin, Laura E. Kupur, & Kristina R. Olson, <i>Mental Health of Transgender and Gender Diverse Youth</i> 19 Ann. Rev. of Clinical Psych. 207, 213-15 (2023)..... | 6 |

INTRODUCTION AND STATEMENT OF INTEREST

The State of Minnesota strongly supports the right of all people to live with dignity, to be free from discrimination, and to participate fully and equally in all aspects of civic life.¹ This includes the right of LGBTQ+ teachers and students to live openly as themselves. Students deserve to have the opportunity to learn in safe and supportive schools and to express themselves, a fact that appellate courts have repeatedly recognized.² Minnesota also has a strong interest in the proper application of the Constitution to protect the right of LGBTQ+ persons to exist in public, and to prohibit unconstitutional restrictions on speech.

Minnesota respectfully submits this brief because the broad ban on books and the prohibition of “any program...[or] promotion...relating to gender identity or sexual orientation to students in kindergarten through grade six” in the Iowa law at issue³ goes beyond the mere regulation of educational curriculum. Instead, the law attempts to place students in an alternate reality where LGBTQ+ people

¹ See generally, e.g., Minn. Stat. § 363A.

² See, e.g., *Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 198 (2021); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995); *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982); *Erznoznik v. Cty. of Jacksonville*, 422 U.S. 205 (1975); *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 509 (1969); *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

³ Iowa Code § 279.80(2).

do not exist. The law resurrects the specter of a long history of silencing gay adults and youth in schools that this nation had learned from and moved beyond. The district court below properly enjoined portions of the law as facially unconstitutional, and this Court should affirm the preliminary injunction.

ARGUMENT

Appellants freely admit that Iowa Code, section 279.80 “requires that...elementary schoolers not be taught about sexuality or gender theory.”⁴ But teaching is not an empty process of providing a curriculum to students: it encompasses what children see, hear, and discuss in school.⁵ To prohibit youth from being “taught” about gender identity or sexuality is to prohibit the expression or even acknowledgement of gender non-conformity and sexual orientation in schools altogether. Iowa schools evidently understood this reality, as they responded to the enactment of the law by prohibiting students from participating

⁴ *Br. of Defs.-Appellants*, at i.

⁵ See, e.g., Erin Godfrey & Justina Grayman, *Teaching Citizens: The Role of Open Classroom Climate in Fostering Critical Consciousness Among Youth*, 43 J. Youth & Adolescence 1801-17 (2014); Robyn Gillies, *Promoting Thinking, Problem-Solving and Reasoning During Small Group Discussions*, 17 Tchrs. & Teaching 73-89 (2011); Tonia Durden & Julie Dangel, *Teacher-Involved Conversations with Young Children During Small Group Activity*, 28 Early Years (Issue 3) 251-66 (2008); Bryce B. Hudgins & Sybil Edelman, *Teaching Critical Thinking Skills to Fourth and Fifth Graders through Teacher-Led Small-Group Discussions*, 79 J. Educ. Rsch. (Issue 6) 333-42 (1986).

in student groups for LGBTQ+ students and allies and stifling discussion about gay and transgender people.⁶

The law at issue in this case does not merely regulate Iowa's own speech, as Defendants-Appellants contend.⁷ By its plain text, the law is a ban on any speech by school employees that acknowledges the existence of LGBTQ+ people. The law transforms the classroom into a hostile territory for LGBTQ+ teachers and youth and undermines teachers' ability to answer questions from their students about the world around them. Educational research and history alike demonstrate why laws like this fail our students, and this policy impact is critical to consider when evaluating the preliminary injunction at issue here.⁸

I. IT IS VITAL FOR LGBTQ+ STUDENTS TO HAVE ACCESS TO REPRESENTATION AND SUPPORT IN SCHOOL.

The premise at the core of Iowa Code, section 279.80(2) (the "LGBTQ+ Content Restriction") and in Iowa Code, section 256.11 (the "Library Provision"), is that mere exposure to the concept of LGBTQ+ individuals is not "age

⁶ See Order, *Iowa Safe Schools v. Reynolds*, No. 23-cv-00474, ECF No. 141 at 8 (S.D. Iowa May 15, 2025).

⁷ See *Br. of Defs.-Appellants*, at i.

⁸ See *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013) (noting that the public interest is a factor to be considered in ruling on a preliminary injunction)

appropriate” for youth in sixth grade and below.⁹ This premise is not only a textbook example of an unconstitutional restriction on speech,¹⁰ it ignores the simple fact that a substantial number of students and school staff *are themselves* gay or transgender.¹¹ Extensive research demonstrates that discriminatory policies in schools harm LGBTQ+ students, while access to LGBTQ+ representation improves student outcomes.

⁹ See Iowa Code §§ 256.11(19) (defining “age appropriate”), 279.80(2) (banning “any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation”).

¹⁰ *Erznoznik*, 422 U.S. at 213-14 (“Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them”); see also *S.F. A.I.D.S. Found. v. Trump*, -- F. Supp. 3d --, 2025 WL 1621636, at *18 (N.D. Cal. June 9, 2025) (executive order targeting speech that “promotes gender ideology” was viewpoint discrimination); *PFLAG v. Camdenton R-III Sch. Dist.*, 853 F. Supp. 2d 888, 895 (W.D. Mo. 2012) (school policy limiting access to LGBTQ+ content was viewpoint discrimination); *Gillmann ex rel. Gillman v. Sch. Bd. for Holmes Cnty. Fla.*, 567 F. Supp. 2d 1359, 1375-78 (N.D. Fla. 2008) (rejecting theory that “merely wearing a t-shirt expressing support for homosexuals or displaying a rainbow-colored sticker” imposes a “certain view on others who find that view offensive” and finding that school engaged in viewpoint discrimination by prohibiting students from expressing support for LGBTQ+ people).

¹¹ Jeffrey Jones, *LGBTQ+ Identification in U.S. Rises to 9.3%*, Gallup (Feb. 20, 2025), <https://perma.cc/T8LK-YNBY> (noting 23.1% of respondents born 1997-2006 considered themselves to be lesbian, gay, bisexual, transgender, or something other than heterosexual); Kerith Conron, *LGBT Youth Population in the United States*, UCLA Sch. of L. Williams Institute (Sep. 2020), <https://perma.cc/7NBG-LAQM> (estimating 9.54% of U.S. youth are gay, bisexual, or transgender).

Physically and psychologically safe schools are indispensable for the effective education of any child.¹² A child’s educational environment shapes many aspects of development, including social-emotional growth and academic learning.¹³ A supportive environment sets youth up for academic and non-academic success.¹⁴ Indeed, policies geared to protect transgender and gender nonconforming students “benefit[] all students by promoting acceptance.”¹⁵ By contrast, fear and anxiety weaken children’s cognitive capacity, disrupt the learning process, and impede students’ ability to learn at a physiological level.¹⁶

Providing a supportive school environment is particularly critical for LGBTQ+ youth, who experience disproportionately high levels of discrimination and violence.¹⁷ The risk—and far too often, reality—of such discrimination and

¹² Jonathan Cohen et al., *School Climate: Research, Policy, Teacher Education and Practice*, 111 Tchr. Coll. Rec. (1) 180-213 (2009).

¹³ Linda Darling-Hammond et al., *Implications for Educational Practice of the Science of Learning and Development*, 24 Applied Dev. Sci. 97-98 (Feb. 17, 2019).

¹⁴ Amrit Thapa et al., *A Review of School Climate Research*, 83 Rev. Educ. Rsch. (Issue 3) 353, 359-60 (2003).

¹⁵ *Doe by & through Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 529 (3d. Cir. 2019).

¹⁶ Darling-Hammond, *supra* n. 13, at 102.

¹⁷ Joseph G. Kosciw et al., GLSEN, *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation’s Schools* xv-xvii, 83, 93 (2022); *see also* Noah Kreski & Katherine Keyes, *Adolescent Disparities in* (Footnote Continues on Next Page)

violence makes LGBTQ+ youth particularly vulnerable to the harms of an unsupportive or unsafe school environment.¹⁸ Members of many minority groups experience a host of “unique stressors” upon which the normal stressors of childhood and adolescence compound.¹⁹

With these frameworks in mind, empirical research has quantified the harm that LGBTQ+ youth face in unsupportive school environments. In one 2022 study, 68% of LGBTQ+ students reported feeling unsafe at school because of their sexual orientation or gender identity.²⁰ And, in a 2023 survey, 60% of

Exposure to Adverse Childhood Experiences by Gender Identity, 179 JAMA Pediatrics (Issue 6) 681-683 (2025); Joel Mittleman, *Adverse Childhood Experiences Among LGBTQ+ High School Students: National Evidence From the 2023 Youth Risk Behavior Survey*, 115 Am. J. Pub. Health 1137-45 (2025); Mollie McQuillan, *Transgender Adolescent School Climate, Mental Health, and Adult Social Support*, 2024 JAMA Pediatrics (Issue 10) 1082-1084 (2024); Mollie McQuillan, *Gender Minority Stress, Support, and Inflammation in Transgender and Gender-Nonconforming Youth*, 6 Transgender Health (Issue 2) 19 (2021); David Martín-Castillo et al., *School Victimization in Transgender People: A Systematic Review*, 119 Child. & Youth Servs. Rev. 105480 (2020); Phillip Schnarrs et al., *Differences in Adverse Childhood Experiences (ACEs) and Quality of Physical and Mental Health Between Transgender and Cisgender Sexual Minorities*, 119 J. Psych. Rsch. 1-6 (2019).

¹⁸ See, e.g., Natalie M. Wittlin, Laura E. Kupur, & Kristina R. Olson, *Mental Health of Transgender and Gender Diverse Youth*, 19 Ann. Rev. of Clinical Psych. 207, 213-15 (2023) (applying minority stress framework to transgender youth).

¹⁹ *Id.*

²⁰ Kosciw, *supra* n. 17, at xv-xvi.

LGBTQ+ youth reported experiencing discrimination because of their sexual orientation or gender identity.²¹

Discrimination at school not only jeopardizes LGBTQ+ students' sense of belonging in their school community,²² it increases students' likelihood of suffering from depression and other significant mental health issues.²³ Non-supportive school environments contribute to a staggering level of suicidal ideation among LGBTQ+ youth: a 2023 survey found that 41% of LGBTQ+ youth had seriously contemplated committing suicide in the past year, and that 14% of students had actually attempted to end their lives.²⁴ These figures were even higher for transgender or nonbinary youth and for LGBTQ+ youth of color.²⁵ The upshot of these data is stark: when LGBTQ+ students "face discrimination in

²¹ The Trevor Project, *2023 National Survey on the Mental Health of LGBTQ Young People* (2023).

²² Kosciw et al., *supra* n. 17, at xix-xx

²³ *Id.* at xviii-xx; Tyler Hatchel et al., *Sexual Harassment Victimization, School Belonging, and Depressive Symptoms Among LGBTQ Adolescents: Temporal Insights*, 88(4) Am. J. Orthopsychiatry 422, 426-27 (2018); Tyler Hatchel et al., *Peer Victimization and Suicidality Among LGBTQ Youth: The Roles of School Belonging, Self Compassion, and Parental Support*, 16(2) J. LGBT Youth 134, 147-48 (2019).

²⁴ The Trevor Project, *supra* n. 21.

²⁵ *Id.*

schools, the risk to their wellbeing cannot be overstated—indeed, it can be life threatening.”²⁶

Beyond health risks, LGBTQ+ students faced with discrimination and unsupportive learning environments are also at risk of poorer academic outcomes. LGBTQ+ students who experience discrimination are significantly more likely to miss school and have lower grades.²⁷ Students who experience high levels of discrimination are only half as likely to report plans to pursue post-secondary education.²⁸ Conversely, LGBTQ+ students who experience a supportive school environment enjoy significantly improved mental health and academic outcomes.²⁹ Students in supportive environments reported higher self-esteem, lower rates of depression, and better perceptions of the school environment.³⁰

²⁶ *Parents Defending Educ. v. Linn Mar Cmty. Sch. Dist.*, 83 F.4th 658, 672 (8th Cir. 2023) (Kelly, J., concurring) (quoting *Boyertown*, 897 F.3d at 528).

²⁷ Kosciw et al., *supra* n. 17, at xviii-xx; *see also* Nicolas Suarez et al., *Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students – Youth Risk Behavior Survey, United States, 2023*, 713 MMWR Suppl. (Issue 4) 50-58 (2024), <https://perma.cc/K8F7-FP6L>.

²⁸ Kosciw et al., *supra* n. 17 at xix.

²⁹ *Id.*

³⁰ Wojciech Kaczkowski et al., *Examining the Relationship Between LGBTQ-Supportive School Health Policies and Practices and Psychosocial Health Outcomes of Lesbian, Gay, Bisexual, and Heterosexual Students*, 9(1) LGBT Health 43-53 (Jan. 2022); Jack K. Day et al., *Safe and Supportive Schools for* (Footnote Continues on Next Page)

These concerns are particularly pertinent to this appeal because Iowa’s challenged law regulates the information and programming available to students in kindergarten through sixth grade.³¹ Students in these grades are at the age and developmental phases that occur shortly before and during puberty, as shown by medical research that documents a growing number of children showing signs of puberty at increasingly young ages.³² Because puberty is such an important developmental milestone for LGBTQ+ youth, the challenged law plainly prevents students from accessing vital information and support during one of the most critical phases of their development.³³ Children who are near to and begin puberty

LGBT Youth: Addressing Educational Inequities Through Inclusive Policies and Practices, 74 J. Sch. Psych. 29-43 (June 2019); Nat’l Academies of Sci., Eng’g, & Med., *Understanding the Well-Being of LGBTQI+ Populations* 231-51 (Jordyn White et al., ed. 2020).

³¹ Iowa Code § 279.80(2).

³² Camilla Eckert-Lind et al., *Worldwide Secular Trends in Age at Pubertal Onset Assessed by Breast Development Among Girls: A Systematic Review and Meta-analysis*, 174 JAMA Pediatrics (Issue 4) 1, 9 (2020); Marcia Herman-Giddens et al., *Secondary sexual characteristics in boys: data from the Pediatric Research in Office Settings Network*, 130 Pediatrics (Issue 5) 1022, 1025 (2012); see also Azeen Ghorayshi, *Puberty Starts Earlier Than It Used To. No One Knows Why*, N.Y. Times (May 19, 2022), <https://perma.cc/865Y-VZ3G>.

³³ See, e.g., Jack L. Turban et al., *Social Transition for Transgender and Gender Diverse Youth, K-12 Harassment, and Adult Mental Health Outcomes*, 69 J. Adolescent Health (Issue 6) 991, 6-7 (2022) (documenting findings that suggest that a “social transition is not itself harmful, but that adverse reactions within unaccepting school environments are”).

in school environments that are hostile to basic discussion about LGBTQ+ experiences or identities, let alone efforts to dignify the same, will be particularly vulnerable. Without information and support, these students may be unable to fully, freely, and safely realize their identities.

Rather than censorship and isolation, students need information and support. Discriminatory policies that single out LGBTQ+ students are associated with worsened mental health and academic outcomes, yet Iowa's law requires schools to impose such policies. The district court's preliminary injunction appropriately balances the available facts and applicable legal standard this stage of the litigation with the significant public interest in supporting vulnerable students. Considering the hazardous effects of discriminatory policies on gay and transgender youth, the Court should affirm the preliminary injunction.

II. HISTORY REFLECTS THE DEVASTATING IMPACT THAT LAWS LIKE THOSE CHALLENGED HERE HAVE ON MARGINALIZED COMMUNITIES.

Understanding the history of state censorship of ideas and minority groups is key to the public interest prong of the preliminary injunction analysis in this appeal. History teaches us that our nation's commitment to the free exchange of knowledge and ideas is a value that quickly becomes vulnerable when those in

power look to ignore or erase disfavored populations.³⁴ This Court should consider and protect this commitment to academic freedom when evaluating Defendants-Appellants’ attempt to upend the district court’s properly-issued preliminary injunction.³⁵

A. Banning Books Is an Age-Old Method of Censoring Disfavored Ideas and Associated Groups of People.

This nation and many others throughout the world have a long but unsavory history of banning books that communicate disfavored ideas.³⁶ History makes it easy to see the folly of this practice, but therein lies the problem—a ban on books is also a ban on history and the lessons it has to offer.³⁷ Books and the libraries

³⁴ See Suzanne Nossel, *The Fate of American Democracy Depends on Free Speech*, 5 J. Free Speech L. 275, 277 (2024) (describing freedom of speech as “not just an individual right, but also a collective cultural value”).

³⁵ See *Keyishian v. Bd. of Regents of Univ. Of State of N.Y.*, 385 U.S. 589, 603 (1967) (“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools”) (internal quotation omitted).

³⁶ See Nathalie Conklin, *From the Library of Alexandria to the Local School Board: The Modern American Perpetuation of the Legacy of Banned Books*, 48 T. Marshall L. Rev. 51, 53 (2023) (recounting history of book bans, including the 48 B.C.E. burning of the library at Alexandria, and the Roman Empire’s ban of books to “prevent disorder and the spread of foreign customs”).

³⁷ See, e.g., Caroline L. Osborne, *Freedom of Expression, Collection Management, and Ethical Decision-Making: Censorship of the Good, the Bad*, (Footnote Continues on Next Page)

that provide them are thus the “cultural memory organizations” of our country.³⁸ These, and institutions like them, bear an “ultimate responsibility for telling and preserving the stories of a culture.”³⁹ This is especially true of books and libraries within schools, which are the “nurseries of democracy.”⁴⁰ When governments attempt to ban books, these attempts must be seen as the efforts to control society and thought that history has regularly revealed them to be.

“Books provide exposure to knowledge as well as its representation, ensuring that they will be a focus of cultural and political struggles.”⁴¹ With respect to the LGBTQ+ community in particular, books have long been the subject of bans and other censorship efforts that have earned an unenviable degree of notoriety throughout the community’s struggle for recognition and equality. This notoriety ranges from alleged papal burnings of ancient Greek poems written by Sappho in the medieval age, to events in modern history such as the Nazi Party’s

the Ugly, and Our Obligations to Preserve a Culture’s Story, 117 Library L. J. 191, 194 (2025).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Mahanoy*, 594 U.S. at 190.

⁴¹ Keith Weimer, *From Berkeley to Beloved: Race and Sexuality in the History of Book Censorship in Virginia*, 67 Va. Libraries (Issue 1) 1, 9 (2023), <https://perma.cc/X6BV-WWVW>.

burning of books held by the Institute of Sexual Science in Berlin and censorship of queer literature by the United States during the Lavender Scare.⁴²

Book bans are mistakes of history that Iowa's challenged law risks repeating. Minnesota has sought to avoid these same mistakes.⁴³ This Court should too.

B. Banning or Hindering Gender-Sexuality Alliances in Schools Runs Counter to the Documented Benefits of These Groups.

Gender-Sexuality Alliances (“GSAs”) are school groups that aim to affirm youth with diverse sexual orientation and gender identities.⁴⁴ Social science research establishes the protective benefits of these groups for all students, documenting higher perceptions of safety and lower depressive symptoms for students who attend schools with a GSA compared to students who attend schools that lack a GSA.⁴⁵

⁴² See Walter Penrose Jr., *Sappho's Shifting Fortunes from Antiquity to the Early Renaissance*, 18 J. Lesbian Stud. (Issue 4) 415, 421-24 (2014); Am. Library Ass'n Off. for Intell. Freedom, *Field Report 2022: Banned and Challenged Books* (14-15), <https://perma.cc/P47A-TJL3>.

⁴³ See, e.g., Minn. Stat. § 134.51 (prohibiting content-based book bans).

⁴⁴ See V. Paul Poteat et al., *GSA Advocacy Predicts Reduced Depression Disparities Between LGBTQ+ and Heterosexual Youth in Schools*, 54 J. Clinical Child & Adolescent Psych. (Issue 4) 501, 503 (2024); Dominique Johnson, “*This is Political!*” *Negotiating the Legacies of the First School-Based Gay Youth Group*, 17 Child., Youth, & Env't's (Issue 2) 380, 383 (2007).

⁴⁵ Poteat et al., *supra* n. 44, at 503.

These groups, sometimes also referred to as Gay Straight Alliances, date back to at least 1972 when a group of high-school students in the Bronx organized an extracurricular group with the goal to realize change, activism, and social support.⁴⁶ Members understood this group as a response to people and forces that sought to deny the existence and identities of LGBTQ+ students. “To maintain our rights and dignity,” several of these students wrote, “we must assert ourselves and our very being!”⁴⁷

By attempting to suppress GSAs and similar programs, laws like the LGBTQ+ Content Restriction at issue in this case strike at the heart of LGBTQ+ students’ right to existence, to safety, and to the freedom of an authentic life. The constitutional harms that spring from such suppression are serious and obvious. Indeed, this Court has known so for at least thirty years. In a case about funding for a university’s Gay and Lesbian Students Association, this Court held that a school’s refusal to fund that group on equal footing with other student organizations violated the First Amendment.⁴⁸ Likewise, in one of the seminal court challenges to vindicate the rights of GSAs and the students that participate in them, the United States District Court for the District of Utah cautioned against

⁴⁶ Johnson, *supra* n. 44, at 381.

⁴⁷ *Id.* at 382.

⁴⁸ *Gay & Lesbian Students Ass’n v. Gohn*, 850 F.2d 361, 368 (8th Cir. 1988).

school policies that stifle the expressive and associational rights of students.⁴⁹ “That [schools] are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.”⁵⁰

This Court should consider the critical importance of GSAs and similar organizations when evaluating the district court’s preliminary injunction. The challenged laws seek to eliminate a core component of the social support networks of LGBTQ+ students, and the Court should not permit Defendants-Appellants to do so.

CONCLUSION

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion[.]”⁵¹ Not only do the Iowa laws at issue do precisely that, they also risk repeating historical mistakes that come

⁴⁹ *E. High Gay/Straight All. v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 81 F. Supp. 2d 1166, 1191-95 (D. Utah 1999).

⁵⁰ *Id.* at 1192 n.41 (quoting *Barnette*, 319 U.S. at 637, and describing the defendant-school’s unduly broad assertion of authority to regulate GSAs as “fraught with more than a little irony”).

⁵¹ *Barnette*, 319 U.S. at 642.

with such prescriptions. Minnesota urges the Court to consider the public interest and policy implications of the Iowa laws when evaluating this appeal. The impact of the laws on the lives, education, and well-being of LGBTQ+ youth cannot be understated, and this reality strongly weighs in support of affirmance.

Dated: September 10, 2025.

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ **Liz Kramer**

LIZ KRAMER
Solicitor General

MARA SYBESMA
MADELEINE DEMEULES
Assistant Attorneys General

445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101
Phone: (651) 757-1010
Email: liz.kramer@ag.state.mn.us

*Attorneys for Amicus Curiae State of
Minnesota*

**CERTIFICATE OF COMPLIANCE
WITH FRAP 32**

1. This Brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 3,824 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

2. This Brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this Brief was prepared in a proportionally spaced typeface using Microsoft Word for Microsoft Office 365 in 14 pt Times New Roman font.

/s/ **Liz Kramer**

LIZ KRAMER
Solicitor General

**CERTIFICATE OF COMPLIANCE
WITH 8th Cir. R. 28A(h)(2)**

The undersigned, on behalf of the party filing and serving this Brief, certifies that the Brief was scanned for viruses and that the Brief is virus-free.

s/Pamela Hewitt