

United States Court of Appeals
For The Eighth Circuit
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September 12, 2025

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

Dear Counsel:

The amici curiae brief of the amici League of Women Voters of Iowa and One Iowa in support of 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.

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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,

v.

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

Defendants-Appellants,

MATT DEGNER, in his official capacity as IOWA CITY COMMUNITY
SCHOOL DISTRICT SUPERINTENDENT, *et. al.*

Defendants.

Appeal from the United States District Court for the Southern District of Iowa
No. 4:23-cv-474, Honorable Stephen H. Locher, District Judge

**BRIEF OF AMICI CURIAE ONE IOWA AND THE LEAGUE OF
WOMEN VOTERS OF IOWA IN SUPPORT OF APPELLEES AND IN
SUPPORT OF AFFIRMANCE**

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CORPORATE DISCLOSURE STATEMENT

Amici Curiae One Iowa and the League of Women Voters of Iowa are not-for-profit corporations exempt from income tax under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. Sec. 501(c)(3). Neither entity has a parent corporation, and no publicly held corporation has a ten percent or greater ownership in either.

RULE 29(a)(4)(E) STATEMENT

No party's counsel authored this brief in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting this brief. This brief was prepared *pro bono publico* by attorneys for Amici Curiae without financial contribution from any other person than the amicus curiae, its members, or its counsel.

CONSENT TO FILE

Plaintiffs-Appellants and Defendants-Appellees consent to the filing of this brief.

/s/ Devin C. Kelly

ATTORNEY FOR AMICI CURIAE
LEAGUE OF WOMEN VOTERS AND
ONE IOWA

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IDENTITY AND INTERESTS OF AMICI

Amicus Curiae One Iowa is a statewide advocacy organization working to empower and improve the lives of lesbian, gay, bisexual, transgender, and queer/questioning Iowans, including LGBTQ+ students and their families. One Iowa was founded in 2005 to advocate for LGBTQ+ Iowans' right to marry. Once that right was secured, One Iowa expanded its mission to include the protection of LGBTQ+ Iowans' civil rights and the promotion of their dignity in every facet and stage of their lives.

One Iowa is committed to ensuring that LGBTQ+ children and young people have access to the same opportunities as other young persons have regardless of their sexual orientation or gender identity. This commitment includes securing equal access to educational opportunities and information that reflects their existing and future life experiences, as well as the life experiences of the entire LGBTQ+ community. Research demonstrates that equal educational opportunity and access to a variety of information improves mental health outcomes for LGBTQ+ students, reduces perceived feelings of isolation, and decreases negative attitudes toward those students in other populations. Equal educational opportunity is particularly important because of the long-term effects school experiences can have during the crucial developmental stages of a young LGBTQ+ person's life.

Amicus Curiae League of Women Voters of Iowa (“LWVIA”) is the Iowa state affiliate of the League of Women Voters (“the League”), which was established in 1920, just six months before the Nineteenth Amendment to the U.S. Constitution was ratified. LWVIA is a nonprofit, nonpartisan, grassroots organization dedicated to fostering an inclusive democratic government through public service, voter empowerment, and ensuring equal rights for all, irrespective of their identity, including gender, sexual orientation, and sexual identity. LWVIA comprises a statewide organization and twelve local Leagues across the state.

The League has participated as amicus curiae in numerous cases before the United States Courts of Appeals and the United States Supreme Court to advocate for equality and civil rights protections for all individuals, including LGBTQ+ individuals. The League and LWVIA are committed to the protection of individual rights, including freedom of speech, and believe the law should not discriminate against individuals based on gender, race, sexual orientation, or sexual identity or other protected classifications. Addressing speech suppression and discrimination in public schools are essential interests that correspond with LWVIA’s and the League’s larger objectives of protecting individual liberties and promoting an inclusive democracy.

ARGUMENT

A. Preliminary Statement.

In the spring of 2023, the Iowa General Assembly passed a bill, Senate File 496 (“SF 496”), that Governor Kimberly Reynolds signed into law on May 26, 2023. SF 496 is an expansive bill that, among other things, precludes Iowa schools, grades kindergarten through sixth, from providing “any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation” (the “Don’t Say Gay/Trans Restrictions”) and bans from school libraries “any materials with descriptions or visual depictions of a sex act” (the “Book Ban”). (See App. 206, 216-225, R. Doc. 121, at 3, 13-22). In 2025, key language in the Don’t Say Gay/Trans Restrictions was changed from “gender identity” to “gender theory.” See Iowa Code § 279.80(1)(a).

After SF 496 became law, Plaintiffs-Appellees, a group of nonprofit organizations serving LGBTQ+ Iowa youth and eight LGBTQ+ students, filed this lawsuit challenging the constitutionality of the new law and asking the District Court to enjoin the State from enforcing the previously mentioned prohibitions. The District Court found Plaintiffs-Appellees were likely to prevail on their First Amendment and Due Process claims and issued a preliminary injunction on December 29, 2023, enjoining all Defendants, including the State, from enforcing or acting in furtherance of the Don’t Say Gay/Trans Restrictions and the Book Ban.

GLBT Youth in Iowa Sch. Task Force v. Reynolds, No. 4:23-CV-00474, 2023 WL 9052113, at *25-26 (S.D. Iowa Dec. 29, 2023). The State appealed that ruling to this Court.

This Court ultimately reversed the District Court’s decision and remanded the case back for further consideration and with further instructions. *See GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 671 (8th Cir. 2024). After further consideration, the District Court entered a new Order, entering a preliminary injunction enjoying the State from enforcing portions of SF 496. It is from this decision that this appeal stems.

B. SF 496 Impermissibly Targets LGBTQ+ Students, Iowans, and Materials.

1. Legislative History of SF 496.

The unsavory process through which SF 496 became law is described in detail in the Complaint for Declaratory and Injunctive Relief. (App. 234-242, R. Doc. 121, at 31-39). That legislative history, as Plaintiffs-Appellees allege, underscores that “SF 496 is an attempt to target LGBTQ+ students and prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion in Iowa schools.” (App. 235, R. Doc. 121, at 32).

SF 496 has, from the beginning, been a solution in search of a problem. Prior to its enactment, local school districts were responsible for deciding what books would be included in the school libraries those districts maintained. At that time,

Iowa law prohibited the dissemination of obscene materials to minors, and local school districts had established procedures through which parents could challenge any book contained in a school library or taught as part of the school’s curriculum.

Public education in Iowa is delivered by local school districts, each of which exists “as a school corporation” expressly authorized to “sue and be sued,” to “hold property,” and to “exercise all powers granted by law.” Iowa Code § 274.1. Under Iowa law, local school district’s powers regarding pedagogical matters are plenary: Iowa law grants each local school district “exclusive jurisdiction *in all school matters* over the territory therein contained.” *Id.* (emphasis added). Iowa law limits the plenary discretion it affords local school districts by making them directly responsible to the communities they serve. School corporations are governed by an elected board of directors who serve limited terms of office. The law grants those elected officials the authority to “operate, control, and supervise all public schools located within the district’s boundaries” and to exercise “broad and implied power” “related to the operation, control, and supervision of those public schools.” Iowa Code § 274.3(1); *see also Hills & Dales Child Dev. Ctr. v. Iowa Dep’t of Educ.*, 968 N.W.2d 238, 241 (Iowa 2021).

Like Iowa cities and counties, local school districts are political subdivisions and not agencies of the state. *Graham v. Worthington*, 146 N.W.2d 626, 633 (Iowa 1966). For that reason, school district “officers, agents and employees . . . are not

officers, agents and employees of the state while acting within the scope of their office or employment.” *Id.* The State’s role in education has, however, been traditionally limited to establishing minimal accreditation standards and providing general oversight, neither dictating nor forbidding certain subjects.

Local school districts, through administrators and teachers they employ, establish the curricula for the elementary, middle, and high schools located within the school district’s boundaries. The state oversees, but is not directly involved, in this process. Similarly, local school districts purchase most of the textbooks, books, and other materials used in their classrooms and they are shelved or stored in school libraries. The funds used to buy these textbooks, books, and other materials are generated through local property taxes, state aid, and other sources. But, again, the state is not directly involved in the acquisition process and, until now, has not been involved in the process of reconsidering the educational value or appropriateness of any items purchased. SF 496 is an intrusion into this carefully crafted system of local control and partnership, one that is motivated by unlawful animus against LGBTQ+ students.

SF 496 began as a bill Governor Reynolds proposed in early February 2023. Governor Reynolds proposed the bill within days after the Iowa House of Representatives’ Oversight Committee conducted a public hearing that featured five members of Moms for Liberty who failed in their attempts to remove what they

referred to as “obscene and sexually explicit” books from school libraries and were now advocating for a state-wide book ban.¹ During the public hearing, images taken from books with LGBTQ+ themes and characters were projected on a screen and portions of those books and other books were read aloud. *Id.* No one else was permitted to present during the public hearing, including individuals sitting in the audience who were opposed to book bans. *Id.*

Moms for Liberty is a well-known advocacy group that takes anti-LGBTQ+ positions on many public policy issues and has championed similar book bans in other states. (*See* App. 236 R. Doc. 121, at 33 fn. 8). Governor Reynolds spoke at a town hall meeting hosted by Moms for Liberty and the Leadership Institute. During that meeting, Governor Reynolds told those present that an “extreme and extremely loud minority” was trying to “indoctrinate our children” and that a legislative goal of hers was “to restore sanity” in Iowa schools. (App. 236, R. Doc. 121, at 33). Similar sentiments were expressed by Iowa legislators. As the 2022 legislative session opened, a senator accused “some” teachers of having “a sinister agenda” to “normalize sexually deviant behavior” and describing an “attack on our children [that] is no longer hidden.” (App. 235, R. Doc. 121, at 32). Governor Reynolds, in

¹ Akin, Katie, ‘Moms for Liberty’ calls on lawmakers to help get ‘inappropriate’ books out of Iowa schools, Des Moines Register, Feb. 7, 2023, <https://www.desmoinesregister.com/story/news/politics/2023/02/07/obscene-books-dispute-returns-to-iowa-capitol-conservative-moms-call-for-action/69877178007/>

speaking in support of book banning legislation, read a selected portion of the book “All Boys Aren’t Blue” in which a sex act is depicted between two persons of the same sex.² She did not appear to cite any similar literary passage involving opposite sex persons. *Id.*

Identical versions of the Governor’s proposed bill were introduced in the Iowa Senate and the Iowa House of Representatives. *See* S.S.B. 1145; H.S.B. 222. The Senate’s version of the Governor’s proposed bill progressed faster than the House version and eventually became SF 496. The initial bill did not include a book ban. Instead, the bill included a notification and right to opt out of “any activity or instruction that involves obscene or sexually explicit material.” (App. 237, R. Doc. 121, at 34). The bill defined the phrase “sexually explicit material” to include, among other things, material depicting, describing, or representing a “sex act,” but it did not incorporate, or even reference, the definition for “sex act” contained in Iowa Code Section 702.17. *Id.* Consistent with the obscenity standard established in *Miller v. California*, 413 U.S. 15, 24 (1973), the definition for “sexually explicit material” required the material “when taken as a whole” to “lack[] serious literary, artistic, political, or scientific value as to minors.” (App. 237, R. Doc. 121, at 34). The

² Stratton, James, *Iowa Gov: “I don’t think that’s appropriate”: Context and controversy behind book challenged in Iowa*, KCCI, Jan. 24, 2022, <https://www.kcci.com/article/iowa-governor-kim-reynolds-context-and-controversy-behind-book-challenged-in-iowa-high-schools/38854288>

initial Senate bill contained a version of the Don't Say Gay/Trans Restrictions, although the restrictions applied only to "students in kindergarten through grade three," and restricted "programs, curriculum" relating to "Gender identity" and "Sexual activity." (App. 238, R. Doc. 121, at 35). The term "sexual orientation" was not used. In late March 2023, the Iowa Senate amended SF 496 to eliminate the definition of "sexually explicit material," including the *Miller v. California* limitations discussed above. (See App. 237-239, R. Doc. 121, at 34-36). In place of those provisions, the amendment added what would eventually become the Book Ban provisions discussed herein. *Id.* That same amendment expanded the Don't Say Gay/Trans Restrictions to include "students in kindergarten through grade six," and it substituted the phrase "sexual orientation" for the phrase "sexual activity." *Id.* This later change made it clear that the primary goal behind the Don't Say Gay/Trans Restrictions was eliminating from grades kindergarten to six, any mention of LGBTQ+ individuals and their families. By conflating the two phrases, SF 496, as amended, improperly sexualized LGBTQ+ identities and people and conveyed the message that LGBTQ+ children and adults are unspeakable and vile, simply by virtue of who they are. (See App. 239, R. Doc. 121, at 36).

SF 496, as amended, passed the Senate the same day as it was amended to include the new provisions discussed above. SF 496 passed the House about a month later, and Governor Reynolds signed the bill into law on May 26, 2023. In addition

to the Book Ban and Don't Say Gay/Trans Restrictions, the new law contained provisions requiring school districts to notify a student's parent or guardian if the student asks to be addressed by "a name or pronoun that is different than the name or pronoun assigned to the student in the school district's registration" or for any other gender affirming "accommodation." (the "Forced Outing Provisions"). (App. 289, R. Doc. 121, at 86). The Governor was surrounded by Moms for Liberty members during the bill signing ceremony. In her signing remarks, Governor Reynolds indicated the new law was designed to prevent "indoctrination" with "extreme ideas." (App. 241-242, R. Doc. 121, at 38-39).

In 2025, the Iowa Legislature became the first state in the nation to remove gender identity as a protected class from its civil rights code.³ *See* S.F. 418. As part of that legislation, relevant portions of SF 496 that referred to "gender identity" were amended to now refer to "gender theory." *Id.* "Gender theory" was defined as "the concept that an individual may properly be described in terms of an internal sense of gender that is incongruent with the individual's sex as either male or female." Iowa Code § 279.80(1)(a). It includes "the concept that an individual who experiences distress or discomfort with the individual's sex should identify as and

³ Fingerhut, Hannah, *Iowa gives final approval to a bill removing gender identity protections despite protests*, Associated Press, Feb. 28, 2025, <https://www.ap.org/news-highlights/spotlights/2025/iowa-gives-final-approval-to-a-bill-removing-gender-identity-protections-despite-protests/>.

live consistent with the individual's internal sense of gender” as well as “that an individual can delay natural puberty and develop sex characteristics of the opposite sex through the use of puberty blockers, cross-sex hormones, and surgical procedures.” *Id.* On its face, SF 496’s resulting codified language, as amended, now clearly targets transgender students and Iowans. A school district *may* require instruction stating that a person’s internal sense of gender can align with their biological sex as either male or female, *but not* in a way that is inconsistent (or incongruent) with it. *Id.* at 279.80(2). The law’s true intent is now perfectly clear.

2. SF 496’s Overriding Focus is on LGBTQ+ Students and Their Families.

SF 496’s legislative history shows the bill was, from the beginning, an initiative launched by anti-LGBTQ+ advocacy groups with the overriding purpose of cancelling the voices of and otherwise diminishing the LGBTQ+ community. The Book Ban, Don’t Say Gay/Trans Restrictions, and Forced Outing Provisions have a common theme and purpose. Both individually and together, the provisions connote an invidious preoccupation with, and animus against, members of the LGBTQ+ community, particularly students. As Plaintiffs-Appellees point out in their brief, SF 496 “operates to prohibit only speech relating to LGBTQ+ identity.” Pls.’ Br. 16.

The Iowa legislature worked hard to mask its intent to target LGBTQ+ students by using seemingly neutral terms throughout SF 496. For example, the initial Don’t Say Gay/Trans Restrictions prohibited schools with students in grades

kindergarten through six from providing “any program, curriculum instruction” relating to gender identity or sexual orientation. (App. 220-221, R. Doc. 121, at 17-18). That restriction, on its face, appears to apply equally to all groups. However, the only instruction ever mentioned—what Governor Reynolds referred to as “indoctrination”—pertained to LGBTQ+ people and their families. Furthermore, as stated above, “gender identity” has now been replaced by “gender theory” in the statute, with the plain language of the statute only applying to transgender persons. In addition, the narrowing of the bill over time, including the substitution of the phrase “sexual orientation” for “sexual activity” confirms that limiting instruction about sex or sexual activity was never the bill’s purpose.

The elimination of the reference to “sexual activity” also presents the anomalous and absurd result that, under the new law, sixth grade teachers can arguably read D.H. Lawrence’s “Lady Chatterley’s Lover⁴” during class but are prohibited from reading “Heather Has Two Mommies.” The Book Ban, on its face, appears to be neutral too. It prohibits any description or depiction of a “sex act”

⁴ “Lady Chatterley’s Lover” was first published in 1928 and depicted a passionate relationship between an upper-class woman, Lady Constance Chatterley, and a working-class man, Oliver Mellors. “The novel includes swear words and explicit descriptions of sex, and it portrays female sexual pleasure.” Kenny, Nicola, *It’s rather different from selling an ordinary book’: How Lady Chatterley’s Lover was banned – and became a bestseller*, Nov. 4, 2024, <https://www.bbc.com/culture/article/20241031-how-lady-chatterleys-lover-was-banned-and-became-a-bestseller>.

and not just sex acts between people of the same gender. It has, however, been clear from the beginning that books underlying the Book Ban are those involving LGBTQ+ themes and characters. As noted above, books involving LGBTQ+ themes were the only books Moms for Liberty members projected during the House Oversight Committee public hearing. They are also the types of books quoted by Governor Reynolds.

Although SF 496 does not directly call them out by name, the new law's intent to curb speech, expression, information, or discussion about LGBTQ+ students and their families violates their right to equal protection of the laws without serving any compelling or legitimate governmental interests. *See Vil. Of Arlington Heights v. Metro Housing Dev. Corp.*, 429 U.S. 252, 265-266 (1977) (holding that facially neutral law may violate Equal Protection Clause if law has discriminatory purpose and effect). Further, even if the lowest level of scrutiny applies, the state cannot target a disfavored group for purely political reasons. *See U.S. Dep't of Agric. v. Moreno*, 413 U.S. 528, 534 (1973) (stating that if equal protection means anything, "it must at the very least mean that a bare [legislative] desire to harm a politically unpopular group cannot constitute a legitimate governmental interest"); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1996) (stating that some objectives like "a bare desire to harm a politically unpopular group" are "not legitimate state interests") (cleaned up).

Public libraries have regularly been defined as places “dedicated to quiet, to knowledge, and to beauty,” and school libraries as the “principal locus” of a student’s freedom “to inquire, to study, and to evaluate, to gain new maturity and understanding,” and to “explore the unknown, and discover areas of interests and thought not covered by the prescribed curriculum.” *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 868-69 (1982) (citing and quoting *Brown v. Louisiana*, 383 U.S. 131, 142 (1966) (opinion of Fortas, J.)); *Keyishian v. Board of Regents*, 385 U.S. 589, 142 (1967); *Right to Read Defense Committee v. School Committee*, 454 F. Supp. 703, 715 (Mass. 1978).

Students spend many of their waking hours in school or participating in school-sponsored activities. In addition to teaching students how to read, write, and do math, elementary, middle, and high schools provide students with an opportunity to acquire the intellectual and social skills necessary to succeed and to become responsible members of society. These same schools provide students with the opportunity to find their passions and pursue their dreams, whatever those passions or dreams may be. These educational opportunities are both formative and introspective; and they are greatly diminished if students are deprived of the right to receive all types of information, even information that some regard as unorthodox or inappropriate.

The right to receive information is of particular importance to students who

belong to marginalized groups; groups that, as here, are often the targets of laws and policies seeking to ban information. *See Pico*, 457 U.S. at 865 (“Our precedents have focused ‘not only on the role of the First Amendment in fostering individual self-expression but also on its role in affording the public access to discussion, debate, and the dissemination of information and ideas.’”) (quoting *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 783 (1978)). The presence of books, ideas, and materials with varying viewpoints gives all students the opportunity to discover the world and themselves and to learn that even their most intimate or audacious ideas, thoughts, and feelings are neither unsuitable nor abnormal. This aspect is particularly important to transgender and gender nonconforming students who are often teased and shamed by others and tend to feel isolated and shunned as a result.

CONCLUSION

For the foregoing reasons, Amici Curiae One Iowa and the League of Women Voters of Iowa urge this Court to affirm the preliminary injunction entered by the District Court.

Respectfully Submitted,

/s/ Devin C. Kelly

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ATTORNEY FOR AMICI CURIAE

CERTIFICATE OF COMPLIANCE

1. This brief complies with Rule 32(a)(7)(B) because it contains 3,441 words, excluding the parts exempted by Rule 32(f).
2. This brief also complies with Rule 32(a)(5)-(6) because it is prepared in a proportionally spaced face using Microsoft Word 365 in 14-point Times New Roman font.

The electronic version of the brief has been scanned for viruses and is virus-free.

Dated: September 12, 2025

Respectfully Submitted,

/s/ Devin C. Kelly

ATTORNEY FOR AMICI CURIAE
LEAGUE OF WOMEN VOTERS AND
ONE IOWA

CERTIFICATE OF SERVICE

I certify that the foregoing was filed with the Clerk using the appellate CM/ECF system on September 12, 2025. All counsel of record are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

Dated: September 12, 2025

Respectfully Submitted,

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ATTORNEY FOR AMICI CURIAE
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