

**DECLARATION OF AMANDA DEVEREAUX**

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

1. My name is Amanda Devereaux, and I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. I am a member of the ARC of Iowa.
3. I am the mother of P.D., who is 5 years old and in kindergarten and has symptomatic congenital cytomegalovirus, polymicrogyria, epilepsy, feeding delay, expressive and language delay, nonverbal, hearing loss, gross and fine motor skill delays, and uses a feeding tube. P.D. was born with a brain malformation, which was caused intellectual and developmental delays to the extent that she operates at a 1-year-old level.
4. I also have another child, A.D., who is not disabled and has no health conditions, who is 9 years old and in 3<sup>rd</sup> grade.
5. Because my children are under the age of 12, they are not eligible to receive any of the currently authorized Covid-19 vaccines.
6. My children attend school at the Ankeny School District. We live in Polk County, Iowa.
7. P.D.'s medical provider Doctor Mark Schleiss, is a pediatrician at the University of Minnesota and specializes in infectious diseases. *See Exhibit A (Letter from Doctor Mark Schleiss)*. Because of P.D.'s diagnosis of symptomatic congenital cytomegalovirus, Dr. Schleiss states that P.D. 1) is at higher risk for serious and fatal COVID-19 disease, 2) has an immune system that is affected by the condition, and 3) should not be forced to stay at home and be deprived of learning. *See Exhibit A (Letter from Doctor Mark Schleiss)*. In addition, Dr. Schleiss has said that unless all students are

wearing masks it is not safe for P.D. at school during the COVID-19 pandemic. *See* Exhibit A (Letter from Dr. Schleiss). Dr. Schleiss has also emphasized that there is no evidence that mask wearing has any negative impact on a child's well-being. *See* Exhibit A (Letter from Dr. Schleiss).

8. The Ankeny School District for the upcoming school year is offering a 100% remote learning option for elementary school aged students through a third-party vendor, called Edgenuity. Edgenuity uses pre-recorded videos; there is no live teacher instruction and students must be able to self-pace. This remote learning option does not provide the necessary supports, services, and accommodations P.D. needs, including direct instruction and socialization with peers. In-person instruction provides the best mode of instruction for P.D., given her needs.
9. P.D. attended school in-person last year because the Ankeny School District required masks. When the mask mandate ban went into effect for schools, I kept P.D. in school only because the persons working with her voluntarily wore masks, but I pulled A.D. out of in-person school because it was no longer safe considering the lack of a mask mandate and his sibling's medical conditions.
10. I reached out to the Ankeny School District about my concerns about masking at the school. The district agreed that persons at the school would be voluntarily masked while doing special education services with P.D. for 2 ½ hours a day for 4 days a week. P.D. would be in a smaller classroom and be socially distanced from other students. The district will not be able to do core curriculum at school due to not being able to require all students to wear masks; therefore, my husband and I would be responsible for doing core instruction at home. We do not think us doing core instruction for P.D. at home is best

school is not a safe environment for P.D. without mask requirements. If the district were able to require masks, we believe P.D. should be getting her core instruction at school. We are not equipped to modify kindergarten curriculum for our child with an intellectual disability at home, and we both work full-time remotely, which makes providing the core instruction more difficult.

11. At the meet the teacher night before the beginning of school this year, teachers were wearing masks, but only about 5% of parents and students were wearing masks.
12. As of August 31, 2021, the Ankeny School District's Covid-19 dashboard shows 7 staff and 15 students district wide have tested positive for Covid-19.
13. For this school year, we have made the difficult decision to send P.D. to in-person school and have A.D. do online learning to lessen the risk that A.D. is exposed to COVID-19 and brings it home. We can't keep P.D. home because for her online learning is not an option; she can't self-pace while doing Edgenuity given her multiple health conditions and developmental delays. My husband and I work full-time remotely and so we can't pick up the instruction.
14. My husband has ulcerative colitis and takes medication that suppresses his immune system, which makes him more susceptible to Covid-19 if our children were to become infected at school and bring it home.
15. I believe that if everyone was wearing a mask and the school was following the guidance and recommendations from the CDC, P.D. would be safe in school.
16. As a result of Iowa's law, my child is having to take unnecessary risks to her health in order to get an education.

17. I am seeking to have HF847 blocked so that my school will be able to require universal masking as necessary to meet its obligations to my child.

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.

Dates this 2<sup>nd</sup> day of September 2021, at Ankeny, Iowa.

  
Amanda Devereaux, Plaintiff