

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.

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.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.

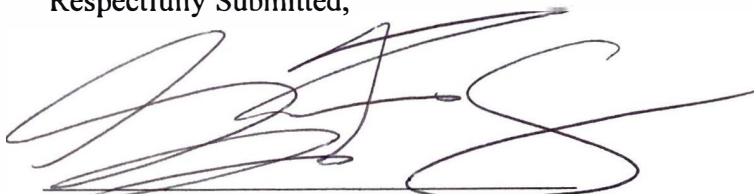
11. I have a friend group that supports each other, and my family supports me. I do get frustrated when I need to go to a school board meeting or spend time suing the State when I'd rather be reading or hanging out with my friends. I just want to do normal things like other kids at school. I shouldn't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

B.F.S.