

Exhibit 10

Declaration of Daniel Gutmann

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

IOWA SAFE SCHOOLS f/k/a GLBT YOUTH IN IOWA
SCHOOLS TASK FORCE, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 4:23-cv-474

**DECLARATION OF
DANIEL GUTMANN**

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

1. My name is Daniel Gutmann. I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. I am a teacher in the Des Moines Public School District (“DMPS”).
3. I hold a standard license issued by the Iowa Board of Educational Examiners with endorsements in K-6 Teacher Elementary Classroom, K-8 Reading, K-8 Social Studies, and Instructional Strategist.
4. I have been an educator for seven years.
5. I am an openly gay man. I have a son and I have been legally married to my husband since 2015.
6. In my role as an educator, I served on the Queer Youth and Staff Support Team for three years until it was closed in March of 2024. The Support Team was a work group composed of administration and staff tasked with developing policies supportive of LGBTQ+ students and staff within DMPS.

7. Since 2023, I have also served as co-facilitator of the DMPS LGBTQ+ Staff Affinity Group. The Affinity Group is an employee-led group established through the personnel office. This group meets monthly and is primarily a safe space for LGBTQ+ staff to meet and find solidarity. It also provides the opportunity for LGBTQ+ staff to raise issues affecting them and their students to administration in an organized way.

8. I also engage in LGBTQ+ rights advocacy outside of my role in DMPS, and through these efforts have become known to my colleagues as a person to go to with questions on issues relating to LGBTQ+ representation.

9. Senate File 496 has been a substantial disruption in my educational career.

10. Prior to SF 496, I taught special education in a DMPS elementary school. However, I was, and remain, seriously concerned that I will be accused of violating the law—particularly the provision prohibiting “any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six”—simply due to my sexual orientation. In the spring of 2023 I requested a transfer to a middle school, hoping to mitigate the risk.

11. In September 2023, the first fall semester after the legislature passed SF 496, I was assigned sixth grade special education responsibilities for a parochial school. At that time, there had been no guidance from the Department of Education on how SF 496 would be implemented, there was little clarity from DMPS administration, and there were—and still are—great differences between and amongst districts as to the restrictions of this vague law. With enforcement of the prohibition on “promotion” of sexual orientation looming overhead, I had no idea what the rules would be in my regular classroom, let alone under an arrangement with a school having entirely different policies concerning LGBTQ+ staff.

12. I requested a meeting with DMPS administration to better understand my situation. I explained my questions, received little answers, but left with the understanding I should consult with the Queer Youth and Staff Support Team. The next morning, I was called in for a follow-up meeting. I was told very frankly that I was prohibited from mentioning my husband in the presence of students and that if I did so I would face disciplinary action.

13. I was stunned and emotional. I thought I would lose my teaching license. My greatest fear as a gay teacher is that I will be forced out of education, my calling, or choose to go back into the closet. Because of SF 496, that moment had finally arrived. It felt like a hammer coming down and was absolutely devastating.

14. I had to believe this was a mistaken interpretation of SF 496 and of DMPS policy. I objected and asked that they reconsider.

15. In response to my objection, DMPS reversed course. I was told that the administrator who met with me had misunderstood a DMPS attorney's advice. While DMPS apologized for this incident, that someone with authority in the organization misunderstand a law so grossly and feel required by that law to make such a dehumanizing demand of me, all indicated SF 496 can easily be interpreted as a mandate to silence LGBTQ+ people and expression. It is the vagueness in the law that allows this and encourages overreach of the kind I experienced.

16. Whether or not the state and schools are allowed to discipline me and other LGBTQ+ staff for our identities, the problem is that under SF 496, we don't know one way or the other if they will try. These are our careers on the line. Clarity in rights and responsibilities is essential.

17. Once transferred to the middle school, I unfortunately found the environment little better, and in many respects, far worse. Ultimately, I requested and obtained a transfer back to a DMPS elementary school, where I am now teaching fourth grade.

18. Throughout this process I have maintained a diverse and inclusive collection of books in my classroom library.

19. Among the books I make available to my students are books that address gender identity and sexual orientation. These are books that are intended for this age group and present the subject with care in terms children can understand. They often carry a message of inclusion and respect for those coming from different family compositions or those who are themselves part of the LGBTQ+ community.

20. For example, my classroom library includes *Uncle Bobby's Wedding* by Sara Brannen. *Uncle Bobby's Wedding* embraces Bobby's relationship and upcoming wedding with his boyfriend, but keeps its focus where it truly belongs: on an uncle and niece's love for each other. I also have *And Tango Makes Three* by Justin Richardson and Peter Parnell, a children's picture book that was inspired by two male penguins at the Central Park Zoo who paired with each other and raised a chick. There is also *I am Jazz* by Jessica Herthel and Jazz Jennings, an autobiographical picture book telling the story of a transgender youth. I maintain these, and many other, books with diversity in gender identity, sexual orientation, race, color, national origin, disability, economic background, and other characteristics because it is important for my students' self-esteem and social awareness.

21. I have not been told to remove these books with LGBTQ+ themes from my classroom library, though they have been removed or targeted for removal from other Iowa schools attempting to comply with the law. Regardless, I do not know if I am permitted to read these books

to my students. Can I read *Families, Families, Families!* by Suzanne Lang, a picture book depicting all kinds of families including LGBTQ+ people, or would this constitute “instruction”? What if rather than read them, I instead simply recommend them for my students to read themselves? Have I now engaged in “promotion” in violation of the law?

22. More to the point, the prohibition on gender identity and sexual orientation seems to me so vague that it is possible the very message of these books is a prohibited subject in the classroom.

23. To foster good self-esteem in my students and prepare them for a world that includes people of all types, it is crucial that I am able to engage with them in discussions about respect and acceptance of those of different gender identities and sexual orientations. It is not enough for me to allude to these concepts (though it is unclear to me if even that is allowed under the law), particularly when asked directly by curious students. What am I to say if a student asks me why I am married to another man? What rules govern my response to a student who asks me what that rainbow flag on the cover of the book means? A student asks me if they can do a passion project on the LGBTQ+ community; what do I say?

24. Questions like these from a fourth-grade student don’t surprise me in the least. Some students may even be exploring their own gender identity at, or even prior to, that age. This is why the provision of SF 496 that obligates me to report a student who “requests an accommodation that is intended to affirm the student’s gender identity” also causes me great concern. If I were to encounter these situations, I do not know what my obligations are, but I do know my response to such a situation could have immense consequences for the student, particularly if that student is one who I know comes from a household where they are not accepted.

25. For example, I understand an “accommodation” is an action or service required by a students’ individualized education plan (IEP) or 504 plan. It is something the school provides to ensure a student receives a free and appropriate public education, such as paraeducator support or an augmentative and alternative communication device. I don’t see what that has to do with a student’s gender identity.

26. This provision seems to assume I have insight into my students’ thoughts that I do not. How am I to know if a student’s fascination with the book *Melissa* (previously published as *George*) by Alex Gino, which tells the story about a young transgender girl coming to understand her identity, is the student’s way of telling me they too are transgender? The law mentions wanting to be called by a different name, but such a request could have everything or nothing at all to do with a student’s gender identity. I cannot know unless the student tells me, and even then, how express must they be? This provision requires me to guess at what might and might not qualify.

27. I am not alone in my confusion over these and other provisions of the law.

28. Given my former role on the Queer Youth and Staff Support Group, my current role as co-facilitator of the LGBTQ+ Staff Affinity Group, and my other LGBTQ+ rights advocacy efforts, it has become very common for me to receive questions from staff—whether they are at my school or another—about their obligations under SF 496.

29. For example, I have spoken with a librarian who did not understand why her library supervisor told her she could not read aloud a book with an LGBTQ+ theme or family but that she could read a book with an LGBTQ+ character *if* that character was featured alongside a straight and cisgender character. I cannot see how this kind of arbitrary line drawing is helping our students learn.

30. I have also spoken with a gay elementary staff person who was told to remove photos of his family from his office. While serving on the Urbandale School Board, I saw an email from the superintendent of the Urbandale Community School District ordering the removal of all LGBTQ+ visual representations (pride flags, safe space stickers, etc.), from all schools, including high schools, given the potential for a student in grades kindergarten through six to see these symbols during a community event. Multiple administrators reach out to me—a teacher—seeking clarity on the legal status of SF 496 and district policies implementing it, confused by the lack of clear communication from leadership and hearing from about other schools and school districts coming to conflicting conclusions on what compliance requires.

31. Even within a district, the environment created by a school’s SF 496 compliance efforts can differ drastically. I have spoken with an educational support staff person who works in multiple buildings within DMPS. DMPS is a district generally regarded as inclusive, and this staff has found that to be true—in some buildings. In others, this staff person feels the need to adjust their mannerisms to conceal their LGBTQ+ identity, sensing a lack of support.

32. I have also seen how SF 496 has forced Iowa public schools to abandon their inclusivity efforts. In just one example, prior to SF 496, my current elementary school used to have an active extracurricular student group for LGBTQ+ students and allies, a “GSA.” Due to the prohibition on “programs” relating to LGBTQ+ issues, the teacher sponsor was instructed not to facilitate the group any longer. This was a student-led organization that has now been closed because of the law. This deprives those students of a safe space to form that community and support each other. Those students who were in that group must feel as if they, because of their identity, cannot be their authentic selves at school.

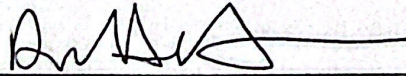
33. SF 496 is not a clearly written law, and Iowa school districts have not been able to make sense of it. This leaves me and Iowa educators like me in fear for our jobs. I question every day whether this lesson, or that conversation with a student, or these student projects are going to be the thing that gets my license revoked. With SF 496, I just can't know. And as a member of the LGBTQ+ community and an advocate for LGBTQ+ rights in this state, it feels like I am under a microscope. Any misstep could be the thing that costs me my license.

34. The lack of clarity has also led to inaction. With school districts fearful of crossing a line they cannot see, past efforts to support LGBTQ+ students have often been put on hold. For example, the Affinity Group has asked for the reinstatement of the Queer Youth and Staff Support Team, but this has not occurred and seems unlikely given concerns that many recommendations such a team might make could run afoul of SF 496. It was a struggle even to add LGBTQ+ students to an annual panorama survey on staff's comfort level addressing the needs of students from various diverse backgrounds. With so much confusion about what can and cannot be done to address those needs under SF 496, maybe we just did not want to know.

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 17th day of October, 2024, at Urbandale Iowa.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Daniel Gutmann', written over a horizontal line.

Daniel Gutmann