

Exhibit 12

Supplemental Declaration of Hannah Mitchell

**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. 4:2023-cv-474

**SUPPLEMENTAL
DECLARATION OF
HANNAH MITCHELL**

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

1. My name is Hannah Mitchell. I am the Director of Youth Engagement for Iowa Safe Schools (“ISS”). I was previously the GSA Coordinator for ISS. I am an Iowa resident over eighteen (18) years of age and make this declaration based on my own personal knowledge and my review of records maintained by ISS. If called as a witness, I could and would testify completely as to the matters set forth herein.

2. While I was the GSA Coordinator for the past two years, my involvement with LGBTQ+ student organizations started in 2014. In both high school and college, I have been a member of such groups, been a student leader of such groups, attended many trainings related to LGBTQ+ student organizations, and spoken at several events related to LGBTQ+ student organizations. In my personal life, I am an active alum member of Gamma Rho Lambda, a collegiate social sorority for LGBTQ+ people. I hold bachelor's degrees in social work, social justice, and gender, women, and sexuality studies. My programs of study culminated with a dissertation examining the challenges faced by LGBTQ+ student organizations.

3. My first introduction to LGBTQ+ student organizations was at Johnston High School, a suburban district of Des Moines, where I joined the Gay-Straight Alliance (GSA). During the summer before my sophomore year, I met several GSA members who were raising awareness about bullying-related suicides. At the time, I was struggling to feel like I belonged in my school district. Although I had not publicly identified as queer yet, I had experienced bullying and witnessed my mom and her wife face homophobia. As a member of the GSA, I quickly gained a tight knit friend group, a place to express my beliefs, and a sense of being part of something larger than myself.

4. Through the GSA, I became familiar with Iowa Safe Schools, benefiting from their programs and services associated with the GSA Network. At one point, the GSA Coordinator visited our group to introduce Iowa Safe Schools' programs. She also brought a box of resources and swag for our group, including a pride flag that we proudly displayed in the back of our meeting room and a "GSA Network Chapter Member" magnet. Our GSA often felt unsupported due to the numerous obstacles we faced from school administrators. However, I felt inspired when I learned about the GSA Network, attended Iowa Safe Schools student events, and met students from other schools. This programming honed my leadership skills and provided me with valuable opportunities, including college scholarships and an internship.

5. My main role is to support and network GSAs across Iowa. In a typical week in this role, my main tasks are corresponding with students and advisors, planning Iowa Safe Schools' events or opportunities, creating student & GSA resources, and conducting GSA visits. My correspondence with GSAs varies depending on the needs of each member. It is common to field questions about students' rights, to share advice or resources to strengthen GSAs, or to coordinate groups' attendance at Iowa Safe Schools opportunities.

6. An essential resource for student-led GSAs is our GSA Guidebook, a comprehensive 90-page manual designed to empower groups in achieving their goals. Given the dynamic nature of student clubs, which undergo frequent changes due to the annual influx of new students and the graduation of upperclassmen who often serve as group leaders, it's crucial for students to have tools to navigate these transitions effectively.

7. Furthermore, pre-teen and teen students typically experience myriad challenges, including developmental changes, academic stress, family dynamics, and social pressures. These factors can contribute to a social-emotional disconnect, characterized by issues with impulse control, interpersonal conflict, and decision making. For GSAs, this turbulence is often even more pronounced, as members often have additional stressors of self-acceptance, bullying or harassment, family rejection, lack of identity relevant resources, and legislative concerns. To address these complexities, the third edition of the GSA Guidebook is loosely structured around Tuckman's 5 Stages of Group Development, giving tailored advice for each phase of group evolution. Beginning with the 'forming' chapter, the guide offers foundational tips for students initiating their own GSA and progresses to the 'norming' chapter, which outlines strategies for fostering group cohesion and consistency. Recognizing the inevitability of conflict, the guidebook dedicates a chapter to 'storming,' offering guidance on resolving group tensions. For high aiming GSAs, the guide includes a section on 'performing,' which inspires larger community engagement or events. Lastly, the guidebook concludes with 'adjourning,' offering insights on navigating the transition between school years and ensuring continuity and sustainability for the GSA beyond individual academic terms.

8. Iowa Safe Schools hosts several student events throughout the school year, each designed to promote engagement and empowerment. Our school year of programming typically

starts with GSACon, serving as a kick-off for GSA's academic year and encouraging students to set group goals. In February, ISS hosts an annual Student Day at the Capitol, aimed at fostering civic engagement among students. Attendees have the opportunity to explore the Iowa Capitol building, advocate for their perspectives on current bills, and engage with elected officials. Since 2019, Iowa Safe Schools has also organized an annual Pride Tailgate event in June. This event was started in direct response to student requests for youth-friendly pride celebrations that don't feature alcohol. Students also attend to celebrate their GSA's achievements from the school year and to maintain connections with their group during the summer.

9. The Governor's Conference on LGBTQ+ Youth is Iowa Safe Schools' largest annual event and is also the largest LGBTQ+ youth conference in the Midwest. The conference attracts students from across Iowa, and even some from across the Midwest. It features a variety of workshops and speakers on a wide array of topics relevant to LGBTQ+ young people. At the 19th annual conference on April 5, 2024, the Des Moines Register spoke with a transgender student in attendance who said he first attended the conference in middle school and has looked forward to it ever since. Another publication, Iowa Starting Line, spoke with a GSA member from Oelwein, Iowa. The student said that SF 496 has presented challenges for their GSA but sees the conference as a place where everyone in the group can freely express themselves and embrace their identities.

The Critical Need for a Safe and Inclusive School Environment

10. Gender-Sexuality Alliances or Gay-Straight Alliances (GSAs) are student-run groups that unite LGBTQ+ and allied youth to build community and organize around issues impacting them in their schools and communities. Students may form GSAs and be recognized as an official student group at any Iowa public school that allows extracurricular student groups

generally and, in so doing, the group is entitled to benefits and privileges on the same basis as every other student group.

11. GSAs provide a vital support network for these students, offering a safe space where they can be themselves without fear of judgment or harm. These benefits not only extend to the students who participate in GSAs, but to the general LGBTQ+ student population, including students who are perceived to be LGBTQ+ by their peers. In a research brief compiled by the Gay, Lesbian, and Straight Education Network (GLSEN), LGBTQ+ students in schools with GSAs are less likely to hear biased language, are less likely to feel unsafe in school because of their sexual orientation and gender expression and are less likely to miss days of school because they are less afraid to attend. In addition, GSAs often play a key role in helping students identify supportive staff members to whom they can report any incident of victimization. Enhancing school experiences of LGBTQ+ students has shown a connection to increasing access to education and improving LGBTQ+ students' academic achievements and aspirations. Furthermore, there is also significant data that shows that being a leader in a student club can have positive impacts on students.

ISS's GSA Network Membership

12. The GSA Network program serves as a primary avenue for Iowa Safe Schools in fulfilling its mission of creating safe, supportive, and nurturing learning environments and communities for LGBTQ+ and allied youth through education, outreach, advocacy, and direct services. This program, which is membership-based, plays a crucial role in achieving our organizational goals.

13. Iowa Safe Schools maintains a comprehensive membership database of GSAs (including similar groups who may choose different names, e.g. 'Tolerance club', 'Rainbow

club’) to administer the benefits of our GSA Network program and youth engagement services and programming. Membership categorization is generally as either “active” or “non-active”, which is determined by various factors.

14. Active clubs are characterized by their engagement in various activities throughout the school, which may include actively requesting counseling or resources, participating in Iowa Safe Schools events, engaging in networking with other GSAs, initiating GSA visits, and more. Clubs can become active through filling out a form on the Iowa Safe Schools website. Groups can also become active by contacting the GSA Coordinator.

15. Iowa Safe Schools’ membership also includes individual students or groups of students who are not part of a GSA group, but who become active members in our GSA Network. For example,

A. I connected with a group of friends at Urbandale High School who were interested in restarting the school’s GSA. The GSA club had not been active during their time in high school and was not currently recognized as an active group by the school board. This group still received benefits of ISS’s GSA Network, as I visited the school to present our organization’s content for students wanting to initiate a GSA.

B. In the summer of 2023, I met a student in the Lynnville-Sully school district through my tabling at a Pride festival in Iowa City. The student expressed interest in forming a GSA to address bullying in his district. I counseled the student through these questions and provided victim service information regarding bullying. Because this student was considered an active member of our GSA Network, I reached out this Spring to encourage him to apply for a scholarship to attend our Governor’s Conference on LGBTQ+ Youth.

16. Similarly, when clubs are no longer active, individual members from the club may remain active members themselves. GSAs are considered inactive when they have informed the GSA Coordinator they have stopped meeting. Also considered inactive are clubs who never activated after key student leaders graduated, clubs who are unable to secure a staff advisor, and—increasingly as of the 2023-2024 school year—those not permitted to meet due to SF 496. And there are some GSA clubs in Iowa who are not active in the Iowa Safe Schools GSA Network, because they have not had active communication with the GSA Coordinator, nor sought our services.

17. Regardless of the reason a GSA club has become inactive, individual students can remain active members within our network. For example, I worked with a GSA in Burlington Community School District who had an active GSA for a few years, but then students became disinterested, and the group disbanded. The student who served as president of this club has remained active within our network. They continue to apply for Iowa Safe Schools opportunities, continue to seek guidance for planning community events on their own, and continue to participate in Iowa Safe Schools events.

17. Iowa Safe Schools sends out official communications to its GSA Network members, whether associated through GSA student groups or participating as individual students, to offer key Iowa Safe Schools resources such as GSA visits and the GSA guidebook, to send personal invitations to Iowa Safe Schools or community events, as well as opportunities such as scholarships, awards, media coverage, etc.

The Impact of SF 496 on ISS's GSA Network

18. The GSA Network was established with the goal of ensuring that all students in Iowa can benefit from participating in their school's GSA. These clubs are associated with

higher GPAs, greater likelihood of graduating, and greater community involvement. Some studies show links between GSA participation and greater feelings of school belonging, stronger interpersonal relationships, a sense of empowerment, and reduced depressive and anxiety symptoms.

19. Iowa Safe Schools' GSA support has historically been able to focus on leadership skills such as decision-making, team management, communication, and organizational skills. This leadership content is typically delivered to students through counseling for individual or group issues, workshops presented during GSA visits, and digital resources like the GSA Guidebook.

20. Iowa Safe Schools's GSA network suffered a substantial diversion in our work following the enactment of SF 496. As a standard practice, our GSA Coordinator reaches out to active groups within our database at the beginning of the school year to connect with group advisors and students, share events, resources, and initiate planning for GSA visits. This period provides valuable insights into the group's challenges and students' engagement in leadership skill building.

21. Comparing September 2022 with September 2023, there were substantial changes in the requests for resources and counseling provided by Iowa Safe Schools, diverting the efforts of our programming. Requests for general leadership information in our GSA Guidebook decreased by 33%. Requests for resources and counseling on organizational skills decreased by 100% as did requests for fundraising guidance. However, requests for resources on bullying increased by 200%, indicating a heightened concern in this area. Similarly, in many of my communications with struggling GSAs, advisors cited students' new reluctance to be associated with the GSA club. Requests for college and career resources decreased by 100%.

22. Further illustrating this shift, requests for guidance on navigating Iowa law to protect GSA members and clubs substantially increased from zero requests in September 2022 to 17 requests in September 2023. While the GSA visits I conducted in September 2022 often centered on group goal setting for the school year, visits in September 2023 were almost exclusively dedicated to explaining SF 496 and trying to determine if the students' school was overextending the law. In September 2023, I traveled 893 miles to conduct these visits, representing a mileage cost of \$446.50. These trips were to Iowa City, Coralville, Nevada, Gilbert, Grinnell, Ames, several Waukee schools, and several Des Moines schools.

23. Instead of focusing my work in the summer of 2023 on improving program leadership resources, as typically done, efforts were redirected towards developing guidance regarding SF 496, creating content for advisor Q&A sessions, and responding to inquiries about the law's impact on GSAs. Before the 2023 legislative session, many groups had asked for resources on conflict resolution and event planning, but creating these was not feasible with ongoing concerns about new legislation. The summer of 2024 was somewhat more focused on typical student programming—reviewing our student guidebook, creating an advisor guidebook, and doing outreach, for instance. But I also spent a lot of time in July and early August revising our SF 496 guidance packet and comparing it to new Title IX rules. Unfortunately, all of that work was made irrelevant when the court overturned the injunction in this case.

24. I heard from many advisors who expected to receive guidance from their administration on how to handle SF 496. Iowa Safe Schools' Director of Educational Programming heard from many administrators who expected to receive guidance from the Department of Education. Even several weeks into the 2023-2024 school year, many administrators and advisors still had many questions about SF 496. In mid-August of 2023, a

High School advisor expressed that they were overwhelmed with supporting students and was at a loss of what to do. Later in August, I was unable to connect with a previously active GSA club in Waterloo High School. Their High School advisor let me know that they terminated their GSA group because the school administration was interpreting SF 496 strictly and that they needed to have a better understanding of what they can discuss and how to handle certain situations.

Another Middle School advisor declined any resources or programs because they were unsure what they could do with a GSA in light of SF 496. A High School GSA advisor within the same district let me know that they discussed starting up their GSA again but were unclear how to proceed in light of SF 496 and wondered whether students were required to sign permission slips to participate.

25. Since the injunction was lifted, and even within just the past few weeks, I have received several concerning communications from teachers and students around the state, reflecting confusion and restrictions because of SF 496.

26. A counselor from Winterset High School reached out to me to get support and resources for a specific student. That counselor then told me that the principals and superintendents of their school told them specifically not to have a GSA this year, because of SF 496.

27. A principal at a middle school in Decorah declined having an on-site visit for the GSA from ISS this year, because of concerns about the group being student led in light of SF 496. That GSA is still operating, but is limited from receiving our services or participating in our programming. From my understanding after conversations with the faculty advisor there, the school is implementing these restrictions as an attempt to navigate SF 496.

28. Most recently, on October 10, a student told me that the GSA at Nevada Middle School is no longer meeting, because the school was requiring the GSA to obtain parental permission for all students to participate, and that 5th and 6th graders are barred from joining. To my knowledge, the school is not requiring any other student group to get parental permission for group participation, and the school is not preventing 5th and 6th graders from joining any other groups, only the GSA. When I asked the student why the school was doing this, they responded, “because the governor said so.” I understood from my conversations with this student that the previous faculty advisor told the student they could not protect students from being outed by the law and also still have the GSA meet as normal. The student told me that while it was sad for the GSA to be gone from the middle school, it was more important for those middle school students to “make it” to high school. I understood the student to be referencing the possible outcomes of parental abuse, homelessness, or suicide that might come from a student being outed to unsupportive parents.

29. Several advisors within our GSA Network expressed concerns that SF 496 would compel them to ‘out’ students. For example, I received an email from an advisor asking for advice on navigating the new Iowa law in place about outing students. Another advisor wrote to me asking whether they would have to report a student who comes out during a conversation, even if they are off school property. They expressed support and wanted to be a safe person for their students to share with but were unsure how they would be able to achieve that given the mandatory outing requirement. Many advisors see the GSA club as a supportive space for LGBTQ+ students to gather and see their own role in supporting that group in a custodial capacity. However, many saw SF 496 as expelling them from those spaces, as their presence could put students at risk.

30. In worst case scenarios, SF 496 led to the complete expulsion of staff advisors from the GSA. I met with the student leader of a member GSA group at Mt Vernon Middle School who faced significant challenges following the enactment of SF 496. At the onset of the 2023-2024 school year, GSA student leaders received directives from district administrators that altered the dynamic of their group dramatically. They were informed that they could no longer extend invitations to their 5th and 6th grade peers, were prohibited from promoting club meetings through posters or announcements and were mandated to have their group advisor stationed down the hallway, out of earshot during meetings.

31. Upon the issuance of the preliminary injunction on SF 496, the student president reached out to a member of the district administration with optimism, anticipating a return to normalcy. However, the administration maintained that the 'name and pronoun' section of SF 496 (the forced outing provision) justified the continued separation of the group advisor from the meeting room. Despite their objections, the GSA complied with this arrangement, to their considerable detriment.

32. This group previously boasted a track record of exemplary student leadership, having been honored with Iowa Safe Schools' GSA of the Year award for their accomplishments during the 2022-2023 academic year.

33. The absence of an adult figure in a custodial role placed immense strain on the student president, impeding their ability to achieve group objectives and derive the expected benefits of their role as club president. They struggled to effectively guide the group without an adult presence to facilitate meetings and experienced heightened anxiety, particularly considering safety concerns following the Perry High School shooting.

34. This year, any 5th or 6th grader who wishes to participate in the GSA at this school must obtain parental permission first. To my knowledge, the GSA is the only group at this school being forced to obtain parental permission for 5th and 6th grader participation. Considering that there may be students who are not comfortable expressing their gender identity or sexual orientation at home yet—or who may only still be trying to figure it all out—a permission slip may be a completely insurmountable barrier for participation. These are the same students who would be most harmed by the school forcibly outing them to their parents because of the notification provision of SF 496, and who now will not even be able to find community within the GSA for fear of the same consequences.

35. Even when GSAs remained operational post-SF 496, the requirement for disclosing names and pronouns had a profound effect on the groups' ability to operate normally. During one GSA visit, I started my prepared leadership workshop with a round of introductions. However, several students refrained from sharing their names, knowing their advisor would be compelled to report a chosen name and fearing repercussions from their parents. This reluctance dampened their engagement in the workshop and impeded my ability to connect with the group. After the meeting, one student confided in me, expressing discomfort with disclosing their name with the GSA advisor present due to fear of parental backlash. They detailed not feeling as though the school could seriously address their reports of bullying and explained how being in GSA was different this year compared to last year. When students don't feel safe enough to report bullying, it often goes unaddressed and often dangerously escalates. In addition, transgender and nonbinary students are effectively denied vital resources that other students enjoy, such as access to mental health counseling and social workers because they fear they will be involuntarily outed. The deprivation of these mental health resources could exacerbate their

mental health issues and prevent them from learning healthy coping skills, which could have long-term consequences on their lives.

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 Des Moines, Iowa.

Respectfully Submitted,


Hannah Mitchell