

Exhibit 5

Declaration of Elesha Gayman Shahinllari

**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
ELESHA GAYMAN
SHAHINLLARI**

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

1. My name is Elesha Gayman Shahinllari. I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. I am the legal parent of A.G., who has just started just started sixth grade. A.G. and I reside in eastern Iowa.
3. A.G. received a diagnosis of gender dysphoria by four years of age.
4. A.G. identifies as nonbinary and uses they/them pronouns.
5. A.G. began identifying as a gender not conforming with their gender assigned at birth by age three. Initially, I thought A.G. was just confused. I tried providing age-appropriate books visually explaining gender, and I tried correcting them every time they did not use their gender assigned at birth. Despite every effort, A.G. was consistent and insistent in their identity. At our three-year-old well-child visit for A.G., I inquired about this confusion. A.G.'s pediatrician referred us to a developmental clinic, and then we were referred for gender-affirming care. There, the doctor was adamant that we allow A.G. to express themselves however they chose to and not

try to force any gender expression. As it was explained by the doctor, repressive actions could lead to anxiety, depression, and an increased risk of suicide or self-harm.

6. A.G. previously attended school at Jackson Elementary in the Davenport Community School District.

7. Entering kindergarten, the only accommodation the school was asked to make was to not force A.G. into girl or boy categories. For example, the single-stall kindergarten classroom restrooms had gendered signs. This was unnecessary and left out the possibility of a nonbinary student, and I asked it be removed.

8. By the end of kindergarten A.G. was experiencing panic attacks at the use of their birth name.

9. Beginning first grade, A.G. began using a new name and she/her pronouns. In addition to care at the University of Iowa Pediatric Gender Clinic, A.G. began to see a therapist outside of school. By the end of third grade A.G. was becoming aware of their differences.

10. At the beginning of 4th grade, A.G. was using they/them pronouns.

11. After SF 496 and the passage of other anti-transgender and gender nonconforming laws, things changed drastically for A.G.

12. Abruptly, the school prohibited A.G. from using the student bathrooms they had been using without incident. A.G. also began expressing suicidal ideation to school officials and we began regular consultations with the school counselor in addition to therapeutic treatments outside of school. Going into fifth grade the “Don’t Stay Gay” law was in full effect and A.G. had diagnoses now included Gender Dysphoria, Social Anxiety Disorder, and Post Traumatic Stress Disorder (PTSD).

13. Particularly due to the provision of the law prohibiting any “program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation,” A.G.’s school became unable to meet their social, emotional, and academic needs.

14. SF 496 allowed for A.G. to become a victim of anti-LGBTQ bullying for the first time during their time at Jackson Elementary.

15. It began in one of the very first classes of the year when A.G.’s art teacher, a new teacher to the building, instructed the class to line up by girls and boys. A.G., not identifying as a girl or a boy, refused to join a line.

16. A.G.’s self-identifying speech as being non-binary prompted a barrage of questions about gender identity from their classmates. A.G. looked to their teacher for support in responding to this very difficult and invasive questioning. But A.G.’s teacher, due to the statutory restriction on “instruction” or “promotion” relating to gender identity, felt unable to intervene. Due to the law, A.G.’s teacher refused to respond to these questions in an age-appropriate way or otherwise support A.G., as, prior to SF 496, they would have.

17. This put A.G., who suffers from anxiety and PTSD, on the spot. SF 496 essentially forced A.G. to not only defend their identity, but also to explain the concept of gender identity to a group of fifth graders with no prior understanding of the topic, all without any backup from the adult in the room.

18. A.G. was exhausted and frustrated by the incident, and stayed home the next day because they did not feel comfortable attending school.

19. After this initial incident, the questions, having gone unanswered by anyone in the school with authority, became accusations and challenges. Multiple students kept insisting A.G.

answer whether they were a boy or a girl, which was obviously deeply offensive and traumatic for A.G.

20. A.G.'s teachers still refused to intervene as these questions turned into harassment. A.G.'s teachers would not, despite A.G.'s obvious need for support, simply explain to the students that A.G. is nonbinary, that nonbinary people are neither boy nor girl, and that this is ok and A.G. deserves to be respected for who they are. A conversation that would have taken less than two minutes to have would have shut down inappropriate questions A.G. was forced to field.

21. The harassment continued unrelenting through the entirety of the school year and caused A.G. to require multiple days absent from school for mental health days throughout the year.

22. SF 496 erased A.G.'s ability to exist in school. From books about gender identity being removed from libraries to the inability of the faculty and staff to affirm and protect A.G. in the most simplistic exchanges, the remainder of the school year was riddled with school absences, panic attacks, and calls home. Most disturbingly, A.G.'s suicidal ideations increased in frequency.

23. Due to these experiences, A.G.'s anxiety and PTSD were exacerbated. A child that was by their nature a kid who loved school, regularly had meltdowns before, during, and after school. School became a place to survive and not one where their education would thrive.

24. While A.G.'s elementary was formerly a place where they could find acceptance and support, it was taken from them by this law.

25. Ultimately, A.G., who was supposed to start sixth grade at Smart Junior High School, did not. Smart Junior High School is a sixth through eighth grade building. The law states that it restricts these subjects from grades kindergarten through six. In other words, even though A.G. was entering a school with seventh and eighth graders, for the purposes of whether they can

broach topics relating to gender identity, all of them would be treated as kindergarteners. Simply put, A.G. knew they could not safely return to an environment where they would not have any support and would have to expect non-acceptance by their peers.

26. Instead, A.G. enrolled in a private school with policies and practices that are inclusive of all gender identities and sexual orientations.

27. The decision to transfer A.G. to private school comes with a significant financial burden in tuition and commuting expenses on our family. But it was necessary due to SF 496 and other anti-LGBTQ+ legislation passed by the Iowa legislature.

28. Perhaps the greatest testament to the detrimental impact of SF 496 is seeing what my child has been able to achieve in an environment where their existence has not been up for a public debate. At their new school, A.G. has thrived beyond recognition. I have received zero calls from them at school, they have had zero panic attacks, and they wake up excited every day to attend school despite the extra hour and a half for them (three hours for me) of commuting required every day. With less than a month of school completed they have also already been moved from sixth-grade math up to seventh-grade math. We are even working with their providers to scale back the frequency of therapy and anxiety medications should their astounding success continue. In short, A.G. is able to focus on what school should be about, which is their education rather than whether or not they are allowed to exist, and their medical needs are addressed by their medical team rather than the state legislature.

29. I have always believed and raised my child to believe that public schools are a place where everyone is welcome and no child is treated unfairly because of what they look like, where they come from, or their gender. Public schools have the ability to teach kids from all backgrounds that America is a big place with lots of different types of people who all deserve to be treated with

respect. But as long as laws like SF 496 are in effect, this will never be true. SF 496 deprived my child of access to Iowa's public schools. Iowa has a long-standing history of supporting all students, including being the first state to desegregate schools in *Clark vs. Board of Directors* in 1868, an astounding 86 years before *Brown vs. Board of Education*. SF 496 is not only a disgrace to our First Amendment Rights, but it is an abomination of our culture and history as Iowans. It is my hope that the court will find this unwarranted attack on my child for their diagnosable medical condition unconstitutional in the strongest terms.

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 17 day of October, 2024, at Davenport, Iowa.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Elisha Gayman Shahinllari", written in a cursive style.

Elisha Gayman Shahinllari