

Exhibit 8

Declaration of Cindy Harper

**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
CINDY HARPER**

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

1. My name is Cindy Harper. I am over 18 years old. I have personal knowledge of the facts as stated herein.
2. I am an Instructional Strategist at Waverly-Shell Rock Middle School in the Waverly-Shell Rock Community School District (“W-SRCSD”).
3. I graduated from University of Northern Iowa for my Bachelor’s Degree and also have my Master’s Degree in Education from Viterbo University.
4. I have been at Waverly-Shell Rock Middle School since 2014. Before that, I worked in the Waterloo Community School District.
5. I hold a standard license issued by the Iowa Board of Educational Examiners with endorsements in K-6 Teacher Elementary Classroom, K-8 Instructional Strategist | Mild/Moderate.
6. I am a cisgender and heterosexual woman, but I consider myself a strong ally of the LGBTQ+ community.

7. I have been a Lead Teacher in the past, as well as a Special Education Instructional Coach for Waterloo Community School District for three years, and I volunteered through Big Brothers/Big Sisters when I was working in Waterloo.

8. I am known to my students and colleagues as a person who is passionate about disability rights, and particularly about kids living with disabilities. I want to make people feel included. I think of myself as a “defender” of people, and someone who is focused on preventing bullying of kids in school.

9. I have served as one of the faculty advisors for the Waverly-Shell Rock Middle School Gender Sexuality Alliance (GSA) since its formation in 2019.

10. When the GSA first began, it was limited to 7th and 8th graders only at first, because of fears among some faculty and staff that 5th and 6th graders were somehow too young for the topics that would be discussed in the GSA. By the end of the year however, the GSA had opened up to include 5th and 6th grade students as well. 5th and 6th grade students are still allowed to join the GSA.

11. A school counselor, a school nurse, and I were very excited to support an enterprising student at Waverly who wanted to form the GSA. The three of us served as the original faculty advisors at that time. The school nurse and counselor still support the GSA but they are no longer able to help plan or attend meetings, so they are no longer faculty advisors. This year I am still a faculty advisor, and two other teachers have also come on as faculty advisors: a 7th and 8th grade science teacher, and an art teacher.

12. The GSA rebranded during the 2022-2023 schoolyear to “Equality for All” in order to better reflect to the community that it is a group seeking to end oppression and bias against people not just on the basis of their LGBTQ+ identities, but also because of their race, disability,

economic status, or religion. The group is still a GSA member of the Iowa Safe Schools GSA Network.

13. Part of the reason that the GSA rebranded to “Equality for All” was to make it more accessible for students from homes hostile to LGBTQ+ topics and people. We hoped that by changing the name and making the mission statement of the group broader than just LGBTQ+ topics, more students would be able to join. Students have told me on several occasions that they would like to join the GSA but that their parents would not let them. The group meets after school, so most students would need to inform their parents, at least to let them know where they are after school is over.

14. I have heard some parents accuse the GSA of pushing some sort of agenda to make their kids gay or to indoctrinate them into some line of thinking. The GSA does no such thing, nor could any group or program “turn” someone gay. The GSA is for providing inclusion and support for students who want or need that.

15. In my primary role as an Instructional Strategist, I teach 7th and 8th grade special education in a middle school that also serves students in 5th and 6th grade.

16. Last year—the first year of SF 496—the only information we received about how we were supposed to implement the law was an email directive in December 2023 from our school’s Equity Coordinator. In this email, she told us that enforcement of SF 496 would begin on January 1, 2024, and that all libraries in the school, including those that teachers keep in their own classrooms, needed to comply with the law. The only guidance she gave in complying with the law was that “books in classroom libraries cannot: include descriptions or visual depictions of a sex act [or] include content related to gender identity or sexual orientation (K-6)[.]” I am not sure

who was providing her this information or why she was the person tasked with informing the faculty and staff.

17. I was told that I did not need to create or provide a list of books in my classroom. I was never provided with a list of titles that were unacceptable under the law or that I needed to remove from my shelves. I have never been provided any training or explanation of how to decide whether the “description of a sex act” in each book would cross the line and violate the law. I don’t know how specific or graphic the sex act scene in a book needs to be to trigger the law, or whether there are other factors I am supposed to consider, such as the context of the scene within the book taken as a whole.

18. Since SF 496 was signed into law, the State has seemingly provided no guidance whatsoever to schools about how to actually implement the law. It has just been chaos and confusion for teachers and school administrators.

19. Senate File 496 (“SF 496”) has caused me great anguish both personally and professionally.

20. The most troubling aspect of the law to me is the part which forces schools to report a student to their parents because the student used pronouns or a name different than what is in the school’s registration software. This part of the law affects me as a teacher in my classroom, and also in my role as a faculty advisor to the GSA

21. Waverly Middle School uses a computer program called Infinite Campus that maintains contact information for all of the registered students at the school, including students’ first and last names. The names in Infinite Campus are approved by parents, and cannot be changed without parental permission.

22. Last year, the principal informed me that the law applied not only during class, but also during the GSA meetings. That principal meant well, and tried to do what he could to continue protecting students as best as he could considering the requirements of SF 496. He was generally supportive of me, and told me to use my discretion within the GSA. Unfortunately, he ended up resigning at the end of the last school year. I understand that he resigned because he was exhausted from his role, and from being constantly targeted for every problem in the school. Last I heard, he had left education altogether and was working for a financial services firm.

23. During the year, the principal and I came up with a workaround to avoid triggering the forced outing part of the law. Instead of risking students triggering the law by using their preferred names and pronouns in the GSA, I asked everyone to simply use their last name alone. I told students not to tell me any name that was not in Infinite Campus, because that would trigger a report home.

24. Another way that I avoid triggering the law is that I ask students if their parents support using “they/them” pronouns. If a student says that their parents do not support using these pronouns, I simply tell that student not to tell me if they themselves use they/them pronouns. The law forces me to choose between protecting my students’ safety and respecting their dignity and freedom of speech.

25. During GSA meetings, I used whatever pronoun a student indicated. I then simply did not cross reference these requests to Infinite Campus, so I never knew whether these requests were contrary to what was in the program or not. No one ever told me that I needed at any point to check a student’s pronouns or names against the records in Infinite Campus. Many of the students who participated in the GSA were not also students in my classroom. For many of them, I only knew them through the GSA, and so I was not familiar with their Infinite Campus profiles.

26. Although we used these workarounds, to be honest, I would have simply refused to report any student who used a preferred name or pronouns in the GSA meetings or classroom. I believe that their safety is the most important consideration, and I would never jeopardize that just to comply with the law. Some students have told me, in no uncertain terms, that they would rather kill themselves than have to pretend to be a cisgender person who they are not. Protecting the mental and physical wellbeing of these students far outstrips any professional consequence I may face for doing so.

27. I was, and am, very aware that failing to comply with SF 496 would put me at danger of discipline, including potentially the loss of my teaching license. The loss of my teaching license would mean the end of my teaching career. The former principal was aware of my stance, and told me to continue operating as I was, and to do what I could to not trigger the forced outing part of the law. He was aware that my disobedience with the law could also have consequences for his own career.

28. I am aware of 2 or 3 students in the GSA who would use a preferred name and pronoun at school that is different from their records in Infinite Campus if they could, but they do not do so because they are afraid of the school reporting this to their parents. They are very afraid of what would happen to them if their parents were informed of this.

29. During the Iowa Safe Schools' Governor's Conference in spring 2024, a student who was in my special education class told me that they would ask to use a different name in class, but they did not because they were afraid of the law.

30. I have been teaching for 18 years. I feel it is my true calling, especially to work with kids who live with disabilities. However, it is becoming too much. SF 496, and laws like it, are too much. Laws like SF 496 force me to make terrible choices between honoring a students'

constitutional rights (not to mention dignity and trust) and avoiding serious or permanent harm to my career. SF 496 forces me to decide between putting a student in harm's way or protecting my own livelihood. I have made my choice in this regard, but I should not have to. It is because of laws like SF 496 that I am now seriously planning to leave my career as a teacher behind. The health of these students is simply more important to me.

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 **Nashua** Iowa.

Respectfully Submitted,

Cindy Harper

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