

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

THE ARC OF IOWA; CHARMAINE ALEXANDER, individually and on behalf of C.B., a minor; JONATHAN CRAIG, individually and on behalf of E.C. and J.C., minors; MICHELLE CROFT, individually and on behalf of J.J.B., a minor; AMANDA DEVEREAUX, individually and on behalf of P.D., a minor; CARISSA FROYUM ROISE, individually and on behalf of H.J.F.R., a minor; LIDIJA GEEST, individually and on behalf of K.G., a minor; MELISSA HADDEN, individually and on behalf of V.M.H., a minor; HEATHER LYNN PRESTON, individually and on behalf of M.P. and S.P, minors; LISA HARDISTY SITHONNORATH, individually and on behalf of A.S., a minor; REBEKAH STEWART, individually and on behalf of E.M.S., a minor; and ERIN VERCANDE, individually and on behalf of S.V., a minor,

*Plaintiffs,*

v.

KIM REYNOLDS, in her official capacity as Governor of Iowa; ANN LEBO, in her official capacity as Director of the Iowa Department of Education; ANKENY COMMUNITY SCHOOL DISTRICT; COUNCIL BLUFFS COMMUNITY SCHOOL DISTRICT; DAVENPORT COMMUNITY SCHOOL DISTRICT; DECORAH COMMUNITY SCHOOL DISTRICT; DENVER COMMUNITY SCHOOL DISTRICT; DES MOINES PUBLIC SCHOOLS; IOWA CITY COMMUNITY SCHOOL DISTRICT; JOHNSTON COMMUNITY SCHOOL DISTRICT; LINN MAR COMMUNITY SCHOOL DISTRICT; and WATERLOO COMMUNITY SCHOOL DISTRICT,

*Defendants.*

Case No. 4:21-cv-264

**MOTION FOR TEMPORARY  
RESTRAINING ORDER  
AND PRELIMINARY  
INJUNCTION**

**EXPEDITED RELIEF  
REQUESTED**

**COME NOW** Plaintiffs and move for a preliminary injunction and temporary restraining order pursuant to Fed. R. Civ. P. Rule 65 to prevent further irreparable injury pending a final adjudication of this action.

As set forth in the accompanying Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order, Plaintiffs' Declarations, and the Declarations of Dr. Srinivas and Dr. Waddell, Plaintiffs are likely to succeed on their claims that in their enforcement of House File 847, Defendants are discriminating against students with disabilities in violation of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, because Plaintiffs, who have disabilities, are otherwise qualified to receive a public education, have standing to bring this action, and have been excluded from participation in or have been denied the benefits of the services, programs, or activities of a public entity or otherwise discriminated against by such entity by reason of such disability. 42 U.S.C. § 12132; 29 U.S.C. § 794(a). Plaintiffs are also likely to succeed on the merits of their claim that HF847 is preempted under the American Rescue Plan Act of 2021. Pub. L. No. 117-2, 135 Stat. 4 (2021); U.S. Const. art. VI, cl. 2. Plaintiffs will suffer irreparable injury unless an injunction issues, the balance of equities weighs heavily in Plaintiffs' favor, and the injunction serves the public interest. *Sanborn Mfg. Co., Inc. v. Campbell Hausfeld/Scott Fetzer Co.*, 997 F.2d 484, 485-86 (8th Cir. 1993) (citing *Dataphase Sys., Inc. v. CL Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981) (*en banc*)).

A temporary restraining order is necessary to preserve the public health and to prevent irreparable injury that would result from students with disabilities endangering their health or being deprived of their education.

Date: September 3, 2021

Respectfully submitted:

**AMERICAN CIVIL LIBERTIES UNION OF IOWA**

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**DISABILITY RIGHTS IOWA**

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\*Motion to proceed *pro hac vice* forthcoming

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*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system.

The foregoing paper will also be served along with the Complaint and Summons to all Defendants.

Date: September 3, 2021

/s/Rita Bettis Austen  
Rita Bettis Austen