

**UNITED STATES DISTRICT COURT
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

Case No. 4:21-cv-264

**PLAINTIFFS' PARTIALLY
UNRESISTED MOTION FOR
SUMMARY JUDGMENT**

SCHOOL DISTRICT; and WATERLOO
COMMUNITY SCHOOL DISTRICT,

Defendants.

Plaintiffs hereby move for summary judgment pursuant to Fed. R. Civ. P. 56 and LR 56, on the grounds that there is no genuine dispute as to any material fact and movants are entitled to declaratory judgment as a matter of law, and state in support thereof:

1. This motion is supported by the accompanying Plaintiffs' Memorandum in Support of Motion for Summary Judgment, Plaintiffs' Statement of Undisputed Material Facts, Plaintiffs' Appendix in Support of Their Motion for Summary Judgment, and exhibits accompanying that Appendix, all of the materials already on file in this case before the district court and on appeal, and any other material that the Court may further consider at a hearing on this Motion.
2. On June 28, 2022, all Defendants were asked if they would stipulate to the proposed narrow declaratory relief language that:
 1. "The term 'other provision[s] of law' as it is used in Section 280.31 include Title II of the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act," and
 2. "That Section 280.31 cannot be cited as a basis to deny a student's request for reasonable modification or accommodation that includes requiring others to wear masks."
3. Upon inquiry, State Defendants oppose this proposed stipulation.
4. The Iowa City Community School District so stipulated.

5. Counsel for all other Defendants stated they were unable to agree at this time or otherwise did not provide a position as of the time of this filing on July 1, 2022.

CONCLUSION

For the reasons stated in their brief and supporting documents, this Court should grant summary judgment and enter a declaratory judgment as described above.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF IOWA

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Dated: July 1, 2022

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.

All participants in this case are registered CM/ECF users and will served by the CM/ECF system.

Date: July 1, 2022

/s/Rita Bettis Austen

Rita Bettis Austen