

Court Temporarily Blocks Iowa's Book Ban and "Don't Say LGBTQ" Provision

News

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Days before Iowa's ban on books and "Don't Say LGBTQ" provisions were set to be enforced on January 1, 2024, a federal district court temporarily blocked those two parts of SF 496, a wide-ranging law that targets LGBTQ+ students and content for erasure in schools.

The decision is a victory for Jenner & Block, Lambda Legal, and the ACLU of Iowa, which are challenging SF 496, pro bono, on behalf of Iowa families and students.

Under those provisions of the law, books for grades K-12 that contain descriptions of a sex act, with the exception of the Bible and other religious texts, would be removed. The "Don't Say LGBTQ" provision forbids programs, "promotion," curriculum, instruction, and more relating to gender identity or sexual orientation in grades K-6.

The court called the book ban "overly broad" and said it "has resulted in the removal of hundreds of books from school libraries, including, among others, nonfiction history books, classic works of fiction, Pulitzer Prize winning contemporary novels, books that regularly appear on Advanced Placement exams, and even books designed to help students avoid being victimized by sexual assault."

As for the "Don't Say LGBTQ" provision, the court wrote that the statute is so vague that it violates the due process clause of the Fourteenth Amendment "because the State will have unfettered discretion to decide when to enforce it and against whom, thus making it all but impossible for a reasonable person to know what will and will not lead to punishment."

The team continues to challenge the law's "forced outing" provision that requires teachers, counselors and other staff to report a student to parents or guardians if the student asks to use a name or pronoun relating to gender identity, regardless of whether doing so would make the student unsafe. The court denied the request for a preliminary injunction on that issue.

The Jenner team includes Partner Laurie Edelstein, Associates Daniel Echeverri, Anna Lyons, Effiong Dampha, Kate Mather, and Joshua Armstrong, and Paralegal Evan Harrington, with support from Partner Gail Morse.

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