

Wednesday, March 6, 2024 at 11:23:12 Eastern Standard Time

Subject: Re: Public Records Request (IA-URBANDALE-24-0106)
Date: Wednesday, March 6, 2024 at 10:54:16 AM Eastern Standard Time
From: Julie Mitchell
To: AO Records
Attachments: Requested information.pdf

EXTERNAL SENDER

Hello,
Please see the compiled information from your request attached below.
Thank you,
Julie Mitchell
Board Secretary

On Tue, Feb 13, 2024 at 2:33PM Julie Mitchell <mitchellj@urbandaleschools.com> wrote:
I have received this FOIA request and will start compiling the information requested.
Thank you.

On Tue, Feb 13, 2024 at 12:46PM AO Records <records@americanoversight.org> wrote:

Dear Custodian of Records,

Please find attached a request for records under Iowa's public records laws.

Sincerely,

Mariuxi Pintado | (she/hers)
Senior Paralegal I American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Public Records Request: IA-URBANDALE-24-0106

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Julie Mitchell
Board Secretary &
Administrative Assistant to the Superintendent
Urbandale Community School District
(515) 457-5050
mitchellj@urbandaleschools.com

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Approved by School Board 11/15/23

Purpose: The purpose of this document is to provide a reasonable interpretation of Senate File 496. The interpretation of the law is based on the definitions approved by the Urbandale Schools Board of Directors on October 9, 2023. This interpretation is intended to provide guidance to support staff in making decisions that comply with applicable laws and Board Policy. This guidance is in response to legislation signed into law.

Urbandale Community School District's reasonable interpretation of the language of Section 16 from Senate File 496:

A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six.

In order to provide an age-appropriate, multicultural, and gender-fair educational program that develops a global perspective and complies with all applicable laws:

In grades PreK-6, actions such as these would not be allowed:

- Bullying, intolerance, or bigotry based on actual or perceived sexual orientation or gender identity.
- Using surveys or questions that ask students about their sexual orientation or gender identity.
- Instructing or using curriculum focused on gender identity or sexual orientation.
- Promoting students to change their gender identity or their sexual orientation.
- Making statements or comments that a gender identity or sexual orientation is better or worse than another.
- Asking questions about the gender identity or sexual orientation of members of the student's family.

In grades PreK-12+, actions such as these would be allowed:

- Using books and other reading material that have characters whose sexual orientation or gender identity are made known to readers, so long as it does not present a gender identity or sexual orientation is better or worse than another.
- (Students) Sharing & discussing gender identity or sexual orientation themselves.
- (Staff) Sharing about or displaying photos of their partner within their classroom.
- (Students & Staff) Sharing about their own family structures.
- Displaying symbols, signs, and photos that affirm and represent gender identity and sexual orientation. The symbols, signs, and photos will not promote that a gender identity or sexual orientation is better or worse than another.
- Students may still make connections on their own between curricular instruction and topics related to sexual orientation and gender identity. Teachers may be discouraged/prevented from contributing additional instruction, but can and should facilitate the discussion and intervene in instances of inappropriate classroom conduct as per usual (bullying, harmful comments, etc.)

- While partnering with parents and guardians is always a priority, under SF 496 a formal request for an accommodation (to address the student using a name or pronoun that is different than what is assigned to the student in the school district's registration or records) is the only required information to communicate.
- Gender Sexuality Alliance (GSA) membership is limited to grades 7-12 unless it is a student-led group.

Urbandale Community School District's reasonable interpretation of the language of Section 2 from Senate File 496:

Each school district shall establish a kindergarten through grade twelve [library program](#) that is consistent with section 280.6 and with the educational standards established in this section, contains only age-appropriate materials, and supports the [student achievement goals](#) of the total school [curriculum](#).

280.6 [Religious books](#). [Religious books](#) such as the Bible, the Torah, and the Koran shall not be excluded from any public school or institution in the state, nor shall any child be required to read such [religious books](#) contrary to the wishes of the child's parent or guardian

[Age Appropriate](#) - Age-appropriate means [topics](#), [messages](#), and [teaching methods](#) suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. "Age-appropriate" does not include any material with [descriptions](#) or [visual depictions](#) of a sex act as defined in section 702.17.

702.17 Sex act. The term "sex act" or "sexual activity" means any sexual contact between **two or more persons** by any of the following:

1. Penetration of the penis into the vagina or anus.
2. Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person.
3. Contact between the finger, hand, or other body part of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152.
4. Ejaculation onto the person of another.
5. By use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus.
6. The touching of a person's own genitals or anus with a finger, hand, or artificial sexual organ or other similar device at the direction of another person.

In order to provide an age-appropriate, [multicultural](#), and [gender-fair educational program](#) that develops a [global perspective](#) and complies with all applicable laws:

In grades PreK-12, classroom libraries, digital libraries, and the [library program](#) will include materials:

- Aligning to educational standards.
- Supporting [student achievement goals](#).
- [Representing](#) individuals and groups in society.
- Books that merely name sexual events do not violate the definition of a sex act based on Iowa Code 702.17 but are subject to the definition of age-appropriate and [Regulation 0631A-R\(1\)-R\(1\): INSTRUCTIONAL MATERIALS SELECTION \(I, II\)](#)

- If there is a specific title a parent/guardian does not want their child to check out, the District will provide the [request to prohibit a student from checking out specific library materials form](#).
- [Selecting](#) and including titles that meet the following guidelines from Board Policy: [Regulation 0631A-R\(1\)-R\(1\): INSTRUCTIONAL MATERIALS SELECTION \(I, II\)](#)
 - Religion - Material will represent any religion in a factual, unbiased manner.
 - Race - Material will present a diversity of race, custom, culture, and belief as a positive aspect of the nation's heritage and give candid treatment to unresolved intercultural problems, including those which involve prejudice, discrimination, and the undesirable consequences of withholding rights, freedom, or respect of an individual.
 - Gender - Material will reflect sensitivity to the needs, rights, traits and aspirations of individuals without preference or bias.
 - Age - Material will recognize the diverse contributions of various age groups and portray the continuing contributions of maturing members of society.
 - Ideology - Material will present basic primary and factual information on an ideology or philosophy of government which exerts or has exerted a strong force, either favorably or unfavorably, over civilization or society, past or present. This material will not be selected with the intention to sway reader judgment and is related to the maturity level of the intended audience.
 - Controversial issues materials will be directed toward maintaining a balanced collection representing various views.
 - Profanity and [Sex](#) - Content will be realistic and representative of the community served and include scientific and or medical information. Material is subjected to a test of literary merit and legal standards as outlined by applicable law.
 - The [selection](#) decision should be made on the basis of whether the material presents an accurate representation of society and culture, whether the circumstances depicted are realistically portrayed, or whether the material has literary or social value when the material is viewed as a whole rather than individual words, phrases, or incidents.

These guidelines will not be construed in such a manner as to preclude materials which accurately represent the customs, morals, manners, culture, or society of a different time or a different place. Complete Selection Guidance can be found in [Regulation 0631A-R\(1\)-R\(1\): INSTRUCTIONAL MATERIALS SELECTION \(I, II\)](#)

- (Students) Bringing books they have accessed outside of the school library, digital library, and classroom so long as it is not a disruption of the learning environment or other applicable district policies. Students will maintain these materials as personal reading materials.
- Displaying artwork that does not [depict a sex act](#) or [sexual activity](#) between two or more persons as outlined in Iowa Code 702.17.

Additionally, the [educational program](#) will:

- Provide [instruction](#) that is [age appropriate](#) and research based related to human growth and development for grades K-12.

- Provide [instruction](#) that is [age appropriate](#) related to sexual abuse.

In grades PreK-12, classroom libraries, digital libraries, and the [library program](#) will not include materials:

- [Describing](#) a [sex act](#) or [sexual activity](#) between two or more persons as outlined in Iowa Code 702.17.
- [Depicting](#) a [sex act](#) or [sexual activity](#) between two or more persons as outlined in Iowa Code 702.17.

Urbandale Community School District's reasonable interpretation of the language of Section 14 from Senate File 496:

A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption...

If a student enrolled in a school district requests an accommodation that is intended to affirm the student's gender identity from a licensed practitioner employed by the school district, including a request that the licensed practitioner address the student using a name or pronoun that is different than the name or pronoun assigned to the student in the school district's registration forms or records, the licensed practitioner shall report the student's request to an administrator employed by the school district, and the administrator shall report the student's request to the student's parent or guardian.

In order to provide an age-appropriate, multicultural, and gender-fair educational program that develops a global perspective and complies with all applicable laws:

In grades PreK-12, the district will take the following actions related to gender identity and the intention to transition to a gender that is different:

- (Superintendent) Provide opportunity for every student's parent/guardian to indicate the student's preferred name, pronouns, gender identity during the registration process.
- (Employees) Communicate requests for accommodation to address the student using a name or pronoun different than what is assigned to the student in the school district's registration forms or records to an administrator (Principal, Assistant Principal, Dean).
- (Administrator) Communicate with parent/guardian of a student who requests an accommodation to address the student using a name or pronoun different than what is assigned to the student in the school district's registration forms or records. This requirement also applies to emancipated minors.
- (District) With parent/guardian consent (see section 24 from SF496 below), affirm the student's gender identity by following the requested accommodation to address the student using their name or pronoun.
- The policy for requesting an accommodation to address the student using a name or pronoun that is different than what is assigned to the student in the school district's registration or records will be outlined in the Parent/Guardian and Student Handbook.
- When an accommodation request is made, the building administrator will provide students with information and policies regarding requests for an accommodation to address the student using a name or pronoun different than what is assigned to the student in the school district's registration forms or records.
- Students may discuss their own gender identity or sexual orientation with a Counselor within the norms of confidentiality. If there is a request for an accommodation to address the student using a name or pronoun different than what is assigned to the student in the

school district's registration forms or records, it will be communicated to an administrator (Principal, Assistant Principal, Dean).

- While partnering with parents and guardians is always a priority, under SF 496 a formal request for an accommodation (to address the student using a [name](#) or [pronoun](#) that is different than what is assigned to the student in the school district's registration or records) is the only required information to communicate.
- If you have information that a student may be unsafe, follow steps that are in alignment with your mandatory reporting requirements.

Section 24 from SF496

Subject to section 147.164, as enacted by 2023 Iowa Acts, Senate File 538, a parent or guardian bears the ultimate responsibility, and has the fundamental, constitutionally protected right, to make decisions affecting the parent's or guardian's minor child, including decisions related to the minor child's medical care, moral upbringing, religious upbringing, residence, education, and extracurricular Senate File 496, p. 17 activities. Any and all restrictions of this right shall be subject to strict scrutiny.

In grades PreK-12, the district will not:

- (Employees) [knowingly give false or misleading information](#) regarding [gender identity](#) or [intention to transition to a gender that is different](#) to a parent/guardian.
- Monitor student conversations for the purpose of identifying a request for an [accommodation](#) to address the student using a [name](#) or [pronoun](#) assigned to the student in the school district's registration forms or records.

Urbandale Community School District's reasonable interpretation of the language of Section 15: Language Defined from Senate File 496:

The board of directors of a school district must receive the [prior written consent](#) of a student's parent or guardian before requiring a student to take part in any [survey, analysis, activity, or evaluation](#) that reveals information concerning any of the following about the student or the student's family, whether the information is personally identifiable or not:

- The [political affiliations](#) or [beliefs](#) of the student or the student's parent or guardian.
- [Mental or psychological problems](#) of the student or the student's family.
- [Sexual behavior, orientation, or attitudes.](#)
- [Illegal, antisocial, self-incriminating, or demeaning behavior.](#)
- [Critical appraisals](#) of other individuals with whom the student has close familial relationships.
- [Legally recognized privileged or analogous relationships](#), such as those of attorneys, physicians, or ministers.
- [Religious practices, affiliations, or beliefs](#) of the student or the student's parent or guardian.
- [Income](#) except when required by law to determine eligibility for the participation in a program or or receiving financial assistance under such a program.

In order to provide an age-appropriate, [multicultural](#), and [gender-fair educational program](#) that develops a [global perspective](#) and complies with all applicable laws:

Without [prior written consent](#) from the student's parent/guardian in grades PreK-12, the board of directors will not require a student to take part in:

- A [survey, analysis, activity, or evaluation](#) that seeks information about the following:
 - The [political affiliations](#) or [beliefs](#) of the student or the student's parent or guardian.
 - [Mental](#) or [psychological problems](#) of the student or the student's family. (For example asking a student if they have a specific mental or psychological difference)
 - Sexual behavior, orientation, or [attitudes](#).
 - Illegal, [antisocial](#), self-incriminating, or [demeaning behavior](#).
 - [Critical appraisals](#) of other individuals with whom the student has close familial relationships.
 - [Legally recognized privileged or analogous relationships](#), such as those of attorneys, physicians, or ministers.
 - [Religious practices, affiliations, or beliefs](#) of the student or the student's parent or guardian.
 - [Income](#), except when required by law to determine eligibility for the participation in a [program](#) or or receiving financial assistance under such a [program](#).

In grades PreK-12 staff can:

- Ask students about how they are doing or feeling.
- Ask students about who lives in their home.
- Provide students with a prompt that supports classroom community building that are not listed above.
- Solicit feedback on a lesson, learning experience, or unit of study.
- Construct and administer surveys about their students' likes, preferences, interests, and feelings so long as no question aligns to any of the above prohibited topics.
- Use surveys for development and implementation of a student's IEP (IDEA).
- Ask questions or complete formal [questionnaires](#) to respond to an [emergent care situation](#).

Operating Definitions

Accommodation - making adjustments or adaptations to meet someone's needs or requirements to ensure that individuals are not excluded or disadvantaged. Required acts implemented by staff members to meet the stated change by the student.

Activity - any structured and purposeful action or task designed to promote learning, acquire knowledge, develop skills, or enhance understanding in an educational context.

Affirm - the actions or process to confirm or validate.

Affirm the Student's Gender Identity - to acknowledge, validate, and support an individual's deeply held and self-identified gender, which may or may not align with the sex assigned to them at birth.

Age Appropriate - [topics](#), [messages](#), and [teaching methods](#) suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. "Age-appropriate" does not include any material with [descriptions](#) or visual [depictions](#) of a sex act as defined in section 702.17.

All Levels - pre kindergarten level through grade twelve plus.

Analysis - a systematic process of examining, interpreting, and evaluating information, data, or complex phenomena to gain a deeper understanding, identify patterns, draw conclusions, and make informed decisions.

Antisocial (Behavior) - a pattern of actions, attitudes, and behaviors that violate social norms, rules, and the rights of others.

Classroom Library - a collection of books and reading materials that is specifically curated and maintained within a classroom.

Critical Appraisals - a systematic examination of information or research to determine its quality, relevance, and reliability, allowing individuals to make well-informed decisions and draw valid conclusions based on the available evidence.

Curriculum - Iowa Code [AC Ch 12, p.1 281—12.2 (256)] defines curriculum as "a plan that outlines what students shall be taught."

Urbandale Community Schools recognizes that curriculum encompasses what students experience, learn, and retain from the intentional curriculum. Intentional curriculum consists of the plans teachers write, the materials and resources selected for students to encounter, how students experience these resources, and what students are asked to demonstrate on assessments. UCSD Policy 605

Demeaning Behavior - actions, words, or attitudes that degrade, belittle, or insult someone, causing them to feel disrespected, humiliated, or inferior in their worth or dignity.

Depiction - a representation conveyed through images, pictures, illustrations, diagrams, videos, or other visual media of acts outlined in 702.17.

Description - use of thorough and precise written words that create a clear and comprehensive mental image of acts outlined in 702.17.

Educational Program - a structured and organized set of activities, courses, or experiences designed to facilitate learning and promote the acquisition of knowledge, skills, competencies, and understanding in a specific area or subject matter.

Emergent Care Situation - means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a minor child in the event immediate medical attention is not provided. (SF 496)

Evaluation - a systematic process of assessing, examining, and judging the quality, performance, effectiveness, or value of something based on specific criteria or standards.

Gender-Fair - a practice to promote equity between different genders, while also acknowledging and respecting the diversity of gender identities and expressions.

Gender Identity - a gender-related identity of a person, regardless of the person's assigned sex at birth. (Iowa Code Section 216.2)

Global Perspectives - an outlook or mindset that considers and encompasses a wide and interconnected view of the world, recognizing the interdependence of nations, cultures, economies, and issues on a global scale.

Illegal (Behavior) - actions, activities, or conduct that are explicitly prohibited and considered unlawful under the laws, regulations, or statutes of a particular jurisdiction.

Income - the money or earnings that an individual or household receives or generates over a specified period.

Instructional Materials - printed or electronic textbooks and related core materials that are written and published primarily for use in elementary school and secondary school [instruction](#) and are required by a state educational agency or local educational agency for use by students in the student's classes by the teacher of record. "Instructional materials" does not include lesson plans. (Senate File 496)

Instruction - techniques and strategies used to deliver a set of clear and specific directions or guidance provided to someone with the aim of helping them learn, carry out a task, or follow a particular process.

Intention to Transition to a Gender That is Different - alignment of their [gender identity](#) with their physical and/or legal aspects of their gender. An [accommodation](#) request to change from their assigned sex at birth.

Knowingly Give False or Misleading Information - the deliberate act of providing information that a person knows to be untrue or inaccurate with full awareness that it may lead others to incorrect conclusions or actions. The district will truthfully answer questions from parents/guardians about their student's gender identity/intention to transition if the district has knowledge relevant to the request.

(Legally Recognized) Analogous Relationships - partnerships, affiliations, or connections that are officially acknowledged by the legal system or government as having similarities to traditional legal relationships, such as marriage or parent-child relationships, even though they may not fit the traditional definitions.

Legally Recognized Privileged (Relationships) - specific partnerships, affiliations, or connections that are officially acknowledged and afforded certain legal protections, benefits, or confidentiality privileges under the law.

Library Program - an articulated, sequential kindergarten through grade 12 library or media program that enhances student achievement and is integral to the school district's curricula and instructional program. Iowa Code 281 12.2 (256)

Licensed Practitioner - an individual working in a school district who is licensed by the Iowa Board of Educational Examiners (B.O.E.E.).

Mental (Problems) - a colloquial term that is often used to refer to mental health issues or mental disorders.

Messages - information, instruction, thought, idea, or expression that is intended to communicate a significant point or central theme.

Multicultural - a concept, environment, or society that includes and recognizes the similarities and differences of cultural backgrounds, ethnicities, nationalities, and traditions.

Name - words used to identify and distinguish a specific individual. They can be used to build relationships and can carry personal, historical, or symbolic meanings.

Prior Written Consent - a formal and documented agreement.

Political Affiliations - an individual's or a group's identification and alignment with a particular political ideology, party, or movement.

(Political) Beliefs - the specific ideas, values, and convictions that individuals or groups hold regarding various aspects of politics and government. These beliefs shape a person's understanding of how a society should be organized, how power should be distributed, and what policies and principles should guide a nation.

Program - a structured series of courses, classes, or learning experiences designed to help students acquire knowledge, skills, and competencies in a particular field or subject.

Promotion - [activity](#) that supports or provides active encouragement for the furtherance of a cause or idea.

Pronoun - a word that is used in place of a noun to avoid repetitive use of the noun in a sentence. Pronoun use is influenced by factors like [gender identity](#) and language conventions, which vary across different languages and cultures.

Psychological problems - also known as psychological disorders or mental health disorders, are conditions that affect an individual's thoughts, emotions, behaviors, or overall mental well-being.

Questionnaire – a research tool consisting of a set of questions or other 'prompts' to collect data from a set of respondents.

(Religious) Affiliations - an individual's formal association or identification with a particular religion or religious denomination.

(Religious) Beliefs - deeply held convictions, principles, and doctrines held about the nature of the divine, spirituality, the meaning of life, and the moral or ethical guidelines that govern human behavior.

Religious books - texts that hold significant religious and spiritual importance within various religious traditions.

Religious Practices - rituals, actions, customs, and behaviors that individuals or communities engage in as part of their [religious beliefs](#) and worship.

Representation - ensuring proportional resources representative of the community.

Self-Incriminating (Behavior) - actions that inadvertently or intentionally implicate oneself in illegal activities or wrongdoing.

(Sexual) Attitudes - an individual's or a society's beliefs, opinions, and feelings toward various aspects of human sexuality, including sexual behaviors, relationships, identities, and practices.

Sexual behavior - actions, activities, and expressions that individuals engage in as part of their sexual lives and can include physical, emotional, and interpersonal aspects.

Sexual Orientation - actual or perceived heterosexuality, homosexuality, or bisexuality. (Iowa Code Section 216.2)

Student Achievement Goals - goals that are specific, measurable that educators, students, and districts set to enhance student learning, performance, and overall success.

Selection - the act of choosing or picking something from a group of options.

Survey - a systematic and organized method of collecting information or data from a sample of individuals or entities using a predetermined set of questions, prompts, or data collection instruments.

Teaching Methods - strategies, techniques, and approaches that educators use to facilitate learning and impart knowledge to students.

Test - an assessment measuring the skill, knowledge, intelligence, abilities, or aptitudes of an individual or group.

Topic- the central idea or thesis around which the content is organized and developed.

Weeding - the process of systematically and strategically analyzing current library materials to remove or keep in place based on a set of standards given.