

Iowa State Board of Education

Executive Summary

September 12, 2025

Agenda Item: Flockhart v. Dallas Center-Grimes Community School District, Docket 5214 (Appeal Oral Argument)

State Board Priority: Statutory obligation

State Board Role/Authority: The State Board decides appeals from local school board decisions under Iowa Code chapter 290.

Presenter(s): Thomas A. Mayes
General Counsel

Parties or Counsel for Appellant (10 minutes)

Parties or Counsel for Appellee (10 minutes)

Appellant's Rebuttal Argument (5 minutes)

Times above are inclusive of questions from Board members.

Attachment(s): Two (Proposed Decision and Appeal Documents)

Recommendation: It is recommended that the State Board of Education hear the arguments of parties and counsel and then decide this appeal.

Background: This is an appeal of a proposed decision issued by the Hon. Rachel D. Morgan, dated July 17, 2025, which affirmed the decision of the Dallas Center-Grimes Community School District in this matter.

This matter is before the State Board pursuant to Iowa Code chapter 290 and Iowa Administrative Code chapter 281—6. This is an oral argument only. There will be no new evidence, testimony, or witnesses.

Bandanna, Finding Grace: the true story of Therapy Dogs Bringing Comfort, and Americanized: Rebel Without a Green Card.

Sch. Dist. Ex. 1.

When Flockhart was informed of the curriculum for English II, Flockhart had concerns about the materials used in Unit 2 and Unit 3. Specifically, Flockhart was concerned that the curriculum was not balanced and instead promoted theories stemming from critical race theory and social justice. Flockhart believed that the materials portrayed “America as inherently rooted in white supremacy and anti-American sentiment” in violation of Board Policy 603.09 and House File 802 (HF 802). Sch. Dist. Ex. 8. She was also concerned that the two graphic novels offered in Unit 2, *American Born Chinese* and *I was their American Dream*, were not academically appropriate for tenth-grade English II. *Id.*

On October 27, 2024, Flockhart filed a Request for Reconsideration of Instructional Material Form with the superintendent. Flockhart requested that the District review all materials offered in English II Unit 2 and Unit 3.

Pursuant to Board Policy 605.03-R(1), a reconsideration committee was established to review Flockhart’s request for reconsideration. The reconsideration committee was made up of seven members appointed by the superintendent and approved by the school board and included the following: two licensed employees, one teacher-librarian, one member of the administrative team that would serve as a chairperson (non-voting), and three members of the community. *See* Policy 605.03-R(1); Sch. Dist. Ex. 4; Flockhart Timeline.

Pursuant to Policy 605.03-R(1), on November 12, 2024, the school board approved Shana Olsen, the District’s Director of Teaching and Learning, and six other individuals to be members of the reconsideration committee. The committee was instructed to review three materials: the two graphic novels, *American Born Chinese* and *I was their American Dream*, and one novel, *This is My America*. The reconsideration committee did not review supplemental materials, such as poems, videos, articles, book excerpts, and songs, used in Unit 2 and Unit 3. The District determined that because supplemental materials were chosen by individual teachers and were not part of the District’s core curriculum, such materials were not “instructional materials” required to be reviewed by the reconsideration committee. Olsen Testimony; Sch. Ex. 4; Flockhart Timeline.

The reconsideration committee was scheduled to meet on December 12, 2024. Prior to the committee meeting, Olsen provided the committee with the Flockhart’s objections, including her reconsideration form. Flockhart’s name was not redacted from the reconsideration form. After the reconsideration committee was provided with Flockhart’s form, Flockhart’s name was released to the public. A number of social media posts were created about Flockhart’s challenge to the curriculum and the parties had concerns that the integrity of the reconsideration committee was compromised. *Id.* Dr. Blum met with the Flockhart and discussed whether she would prefer that the reconsideration committee meeting be continued or if she would rather restart the entire process with a new committee. Flockhart opted to restart the process. *Id.*

On January 27, 2025, the school board approved members of a new second reconsideration committee. Olsen continued to act as the non-voting chairperson. Sch. Dist. Ex. 4.

On January 31, 2025, Olsen emailed Flockhart and advised her that supplemental material in Units 2 and Unit 3, including songs, poems, videos, book excerpts, and articles, would not be reviewed by the reconsideration committee because they are not part of the District’s core curriculum. Core curriculum is developed from the Iowa academic standards and the materials

that are part of the core curriculum are subject to a vetting process that considers the standards, Lexile, and how the materials will be used. Sch. Dist. Exs. 4; 5 at 13; Olsen Testimony. Materials that are chosen as part of the core curriculum are required to be used by all teachers. Materials that are not part of the core curriculum are chosen by individual teachers. Because the supplemental materials in Unit 2 and Unit 3 were chosen by an individual teacher and not through the vetting process, Olsen advised Flockhart to raise her concerns about the supplemental materials with the building principal and the specific teacher. *Id.*

The reconsideration committee held a meeting on February 19, 2025 to discuss the graphic novels. Flockhart was provided with the option of attending the meeting in person or having her objections read to the reconsideration committee in order to preserve her confidentiality. Flockhart chose to attend the meeting in person. *Id.*

During the February 19, 2025 meeting, the reconsideration committee was provided with information on HF 802 which prohibits teaching, acting, promoting, or acting upon “stereotyping, scapegoating, or prejudice toward others on the basis of demographic group membership or identity.” Sch. Dist. Ex. 9. Further, HF 802 prohibits teaching, advocating, acting upon, or promoting “specific defined concepts” which includes, among other things, that one race or sex is inherently superior to another race or sex or that the United States or Iowa are fundamentally or systemically racist or sexist. *Id.* The reconsideration committee also heard Flockhart’s objections to the materials, including Flockhart’s concerns that the graphic novels did not meet academic rigor, was contrary to HF 802, and were in violation of Board Policy 603.9 requiring that “controversial issues” be “fairly presented.” Sch. Dist. Ex. 5. Flockhart believed that the two graphic novels highlighted “outdated stereotypes which are no longer relevant” and portrays “reverse racism.” *Id.* Flockhart also believed that the books “push” the idea that America is “inherently racist.” *Id.*

The reconsideration committee also heard from Jolie Morgan, a high school instructional coach. Morgan discussed the process of how instructional materials are selected for the District’s core curriculum. *Id.*

After reviewing the materials and hearing from the District, Flockhart, and members of the community, the reconsideration committee voted via private ballot and recommended by a vote of 6-0 to make no changes to the Unit 2 curriculum. Specifically, the reconsideration committee had no concerns about the complexity of the graphic novels and had no concerns with their compliance with HF 802. Rather, the reconsideration committee found, among other things, that the perspective provided in both texts was valuable, the texts provided cultural exposure, and provided a unique perspective of completely different backgrounds. Sch. Dist. Ex. 5 at 17.

On March 11, 2025, the reconsideration committee met to review the novel, *This is My America*. Flockhart chose to have her statement read to the reconsideration committee by Olsen, instead of attending the meeting in person. In her statement, Flockhart argued that the curriculum pushed a divisive agenda, focusing on race and skin color rather than critical thinking. Sch. Dist. Ex. 5 at 15. Flockhart wanted the committee to review all the materials provided to students, including the supplemental, non-core curriculum materials. The reconsideration committee also heard comments from Representative Dan Gehlbach and community members. Sch. Dist. Ex. 5 at 15.

In the meeting, the reconsideration committee asked questions about teacher training regarding HF 802. Dr. Carenza stated that teachers are educated about HF 802 and are aware they should lead classroom discussions in a manner that is compliant with HF 802. *Id.*

The reconsideration committee voted by private ballot and voted 6-0 to make no changes to the Unit 3 curriculum. The reconsideration committee had some concerns with the novel's strong language and presence of underage drinking. However, the reconsideration committee found that the novel promoted critical thinking and respectful discussions. It further found that Unit 3 was structured to promote respectful discussions and encouraged students to set aside biases and stereotypes. The reconsideration committee noted that teacher training provided annually regarding HF 802 allows teachers to operate within the expectations of HF 802. Sch. Dist. Ex. 5 at 18.

On February 24, 2025, the superintendent reviewed the two graphic novels and decided to uphold the reconsideration committee's recommendation to make no changes to Unit 2 curriculum. The superintendent noted that the graphic novels are appropriate resources to meet English II standards, demonstrates values of different cultures, and the graphic novels were chosen through a district curriculum review process that "included participation by numerous professional educators" On March 18, 2025, the superintendent upheld the reconsideration committee's decision to make no changes to Unit 3 curriculum, noting that the novel was an appropriate resource for English II, has value in promoting critical thinking and discussions, exposes students to diverse experiences, teacher training regarding HF 802 allows teachers to operate within the law's guidelines, and the selection of the novel was performed by a district curriculum review process. Sch. Dist. Ex. 5 at 22.

Upon receipt of the superintendent's decision, Flockhart requested that the school board review the superintendent's decision. *See Flockhart Timeline*. On March 31, 2025, the school board approved Flockhart's appeal request. On April 10, 2025, the school board heard from Flockhart, Olsen and Superintendent Dr. Blum. The school board focused on whether the reconsideration committee and the superintendent followed the process outlined by Board Policies 605.03, 605.03-01, 605.03-02 and whether the superintendent's decision was reasonable. The school board voted to affirm the superintendent's decision with one dissent. Sch. Dist. Ex. 7.

On April 13, 2025, Flockhart appealed the school board's decision to the State Board. At the hearing, Flockhart argued that the District did not follow school board policies or Iowa law for a number of reasons, including that the reconsideration committee should have reviewed all materials presented to students, not just core curriculum. She also argued that the English II curriculum is not balanced and is in violation of HF 802 and School board Policy 603.09.

CONCLUSIONS OF LAW

I. STANDARD OF REVIEW

Pursuant to Iowa Code section 290.1, an affected pupil or the parent or guardian of an affected minor pupil who is aggrieved by a decision or order of the board of directors of a school corporation may appeal the decision or order to the state board of education. The rules regarding the procedures for such an appeal are found at 281 Iowa Administrative Code Chapter 6.

An agency's authority to review a school district's decision is only as broad as that vested in it by statute or regulation. *Sioux City Community School Dist. v. Iowa Dept. of Educ.*, 659 N.W.2d 563, 568 (Iowa 2003). "[W]here a statute provides for a review of a school district's discretionary action, the review, by necessary implication, is limited to determining *whether the school district abused its discretion*." *Id.* (Emphasis added). In applying the abuse of discretion standard, the State Board must look to whether a reasonable person could have found sufficient evidence to come to the same conclusion as reached by the school board. *See id.* at 569 (citing Iowa Code § 17A.19(10)(f)(1))).

Importantly in this case, the school board reviewed two issues: 1) whether the reconsideration committee and the superintendent correctly followed school board procedures and policy; and 2) whether the superintendent's decision, *i.e.*, to uphold the reconsideration committee's recommendation that no further action was needed in regards to the challenged materials, was reasonable. The school board answered both questions in the affirmative, concluding that its policies were followed and the superintendent's decision was reasonable. As discussed below, the school board did not abuse its discretion in reaching the above conclusions.

II. STANDING

The District first argues that Flockhart does not have standing to bring this appeal because she was not "aggrieved" by a decision of the school board. Specifically, the District argues that because Flockhart's son was allowed to read alternative materials, transfer out of the English II course, and suffered no "academic or disciplinary consequences," Flockhart was not injured or harmed by the school board's decision. In making its argument, the school board advocates for a narrow definition of "aggrieved" that is not supported by Iowa law. For this reason, its argument is without merit.

Iowa Code § 290.1 expressly requires that only individuals who have been "aggrieved" by a decision of a school district may file an appeal with the State Board. In determining who is an "aggrieved" party for purposes of standing in administrative actions, courts have developed a two-part test: "(1) the party must demonstrate a 'specific, personal, and legal interest' in the subject matter of the decision, and (2) the party must show this interest has been 'specially and injuriously affected by the decision.'" *Se. Warren Cmty. Sch. Dist. v. Dep't of Pub. Instruction*, 285 N.W.2d 173, 176 (Iowa 1979).

In this case, Flockhart has a legal interest in the subject matter of the appeal. Iowa Code § 279.77 specifically allows not only parents and guardians, but also "a resident of the school district" to request that a school district review instructional materials used in classrooms. *See* Iowa Code § 279.77. The statute provides a broad category of individuals with a legal interest in the question of what instructional materials should be used in classrooms. Flockhart squarely falls into this category.

In addition, Flockhart was "aggrieved" by the school board's decision in this case to make no changes to the English II curriculum. Although Flockhart's son was allowed to read alternative texts, her son was not able to participate in classroom discussions regarding the reading material because he read different materials. In addition, although Flockhart's son transferred out of the course, he was transferred to an online class and was not able to attend class in person. The fact that Flockhart's son was unable to participate in classroom discussions and was removed to online learning constitutes particularized and concrete injuries sufficient to afford standing in this case. *See e.g., Richards v. Iowa Dept't of Revenue & Fin.*, 454 N.W.2d 573, 575 (Iowa 1990) (finding that an individual's interest in seeing tax laws properly enforced was not sufficient to confer standing, but the pecuniary effects of a higher tax burden due to the improper grant of a tax exemption to somebody else could be sufficient). Accordingly, Flockhart has standing to bring her appeal.

III. SCHOOL BOARD DECISION

A. Materials Considered by Reconsideration Committee

Turning to the merits of the appeal, Flockhart first argues that the school board abused its discretion in upholding the superintendent's decision because the reconsideration committee

only considered whether two graphic novels and one novel complied with Iowa law and educational standards. Flockhart argues that the reconsideration committee should have reviewed the entire English II curriculum for Unit 2 and Unit 3, including songs, videos, articles, book excerpts, and poems, to determine whether the entire curriculum was “balanced” and in compliance with Iowa law, specifically HF 802.

In general, House File 802, codified in Iowa Code 279.74, restricts a school district’s use of materials that “promote” divisive concepts. HF 802’s prohibitions extend not only to “instructional materials,” but to all materials used in the classroom.

Senate File 496, codified in Iowa Code § 279.77, requires school districts to publish a “procedure or policy” for a parent or guardian to request the “*removal* of a book, article, outline, handout, video, or other educational material.” Iowa Code § 279.77(1) (Emphasis added). It also requires school districts to establish a process by which parents or guardians or residents of the school district may request a review of “instructional materials used in the classrooms in the school district.” Iowa Code § 279.77(2). “Instructional materials” does not include all materials presented to students. Rather, “instructional materials” is limited to:

Either 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.

Id. (Emphasis added).

Under the above legal framework, SF 496 requires school districts to have a procedure or a policy where parents and guardians can request the removal of educational materials available to students in a classroom or library. However, if parents or guardians have concerns regarding curriculum, SF 496 only requires school districts to formally review materials that constitute “instructional materials,” not all educational materials.

The District incorporated SF 496 into Board Policy 605.03. Board Policy 605.03 provides that parents and guardians of students enrolled in the District may request that their student not have access to certain “instructional materials” and quotes the definition of “instructional materials” that is contained in Iowa Code § 279.77. Board Policy 605.01-R(1) establishes the procedure for a reconsideration committee to a review challenges to instructional materials.

In this case, Flockhart objected to the entire English II curriculum in Unit 2 and Unit 3, including supplemental materials, because she did not feel the materials were “balanced” and promoted divisive concepts. Flockhart informed the District that she was requesting a review of the curriculum and expressly stated that she was not requesting the removal of a book or a “book ban.” See Sch. Dist. Ex. 5 (minutes of February 19 reconsideration committee where Flockhart tells the committee that she is “not asking for a book ban nor a recommendation to remove books”). Because Flockhart was requesting a review of the curriculum, the District, pursuant to Iowa Code § 279.77(2), reviewed which materials in English II Unit 2 and Unit 3 constituted “instructional materials” and established a reconsideration committee to review only those materials. The District informed Flockhart that she could discuss concerns she had with the supplemental materials with the building principal because such materials were chosen by individual teachers and were not part of the District’s core curriculum.

The above procedure complied with Iowa law. Because Flockhart was not requesting removal of educational materials, but a review of curriculum, the only materials subject to a formal review

process under SF 496 were the two graphic novels in Unit 2 and one novel in Unit 3. These three novels are the only materials that are required by the District to be taught as part of its core curriculum. The other challenged materials, including songs, poems, articles, book excerpts, and videos, are selected by individual teachers and do not constitute “instructional materials.” Because the supplemental materials are not subject to SF 496’s review process, the District correctly concluded that Flockhart’s concerns regarding these materials may be handled informally with the building principal.

In sum, when a parent or guardian raises concerns about school district curriculum, Iowa law only requires school districts to have a formal procedure in place to review “instructional materials,” not supplemental materials chosen by individual teachers. In accordance with this legal framework, the reconsideration committee properly reviewed only the materials that were part of the District’s core curriculum and not supplemental materials. Accordingly, the school board’s procedures are compliant with Iowa law and the school board did not abuse its discretion in finding that the procedure provided to Flockhart was appropriate.

B. Confidentiality and Bias of Committee

Flockhart next argues that the school board violated SF 496 by disclosing her name to the media. She also argues that the disclosure of her identity caused the review process to be biased. Flockhart’s arguments are not supported by the record.

Iowa Code § 297.77(4) provides that the identity of a parent or guardian who requests *removal* of a “book, article, handout, video, or other educational material . . . shall be confidential and shall not be a public record subject to disclosure under chapter 22.” (Emphasis added).

It is undisputed that Flockhart’s name was disclosed to the public. The chairperson of the first reconsideration committee, Shana Olsen, testified that she provided the first reconsideration committee a copy of Flockhart’s request form and Flockhart’s name was not redacted. After the reconsideration committee was provided with Flockhart’s review form, Flockhart’s identity was disclosed to the public. Olsen Testimony.

However, Iowa Code § 297.77(4) only requires that the identity of a parent or guardian remain confidential when such parent or guardian requests the “*removal* of a book, article, outline, handout, video, or other educational material” . . . pursuant to subsection 1, paragraph ‘a’.” (Emphasis added). As discussed above, Flockhart was not requesting the removal of educational materials under Iowa Code § 297.77(1)(a); she was requesting a review of the District’s curriculum under Iowa Code § 297.77(2). Therefore, under a close reading of Iowa Code § 297.77(4), the District was not obligated to keep Flockhart’s identity confidential.

Moreover, it is not clear from the record who or how Flockhart’s identity was disclosed to the public. Contrary to Flockhart’s argument, the fact that Flockhart’s identity was made public after it was disclosed to the reconsideration committee, does not mean that District staff disclosed her name. The reconsideration committee is composed of four District staff members and three members from the community. Although Flockhart speculates that the District’s librarian was the individual who disclosed her name, speculation is not evidence. Consequently, even if the District had a duty to keep Flockhart’s identity confidential, Flockhart has not proven that the District violated Iowa Code § 297.77(4).

Similarly, Flockhart has not established that the reconsideration committee was biased. When it was learned that Flockhart’s identity was disclosed to the public, the District, in discussion with Flockhart, disbanded the first reconsideration committee and formed a new reconsideration committee with new committee members. The second reconsideration committee did not learn

of Flockhart's identity until she chose to disclose her identity by speaking to the committee in person. Flockhart presented no evidence that reconsideration committee members viewed her unfavorably or prejudged her concerns. Accordingly, there is no evidence that the second reconsideration committee was biased because it knew Flockhart was challenging the instructional materials. The school board did not abuse its discretion in affirming the superintendent's decision.

C. Reasonableness of Superintendent's Decision

Finally, Flockhart asserts that the school board violated its policies and Iowa law when the school board did not conduct an independent review of the challenged materials but instead found that the superintendent's decision was reasonable in light of the procedures provided and the information reviewed by the reconsideration committee. Flockhart's argument is without merit for the following reasons.

Pursuant to its policies, the school board delegated its authority to review and establish curriculum to the superintendent and certified staff. Specifically, Board Policy 602.01 delegates the responsibility for development of curriculum to the superintendent. Board Policy 605.01 delegates the authority to approve instructional materials to "certified staff" and the selection of textbooks to the superintendent. The school board also delegated its authority to review challenges to instructional materials to the reconsideration committee and the superintendent. If a party appeals a superintendent's decision concerning the reconsideration committee, the school board has discretion to hear the appeal. *See* Policy 605.03.

Under the above policies, because the school board delegated its authority to make and review curriculum decisions, there was no obligation for the school board to perform an independent review of the instructional materials considered by the reconsideration committee. In addition, Iowa law does not require school boards to perform an independent review of instructional materials or other educational materials. SF 496 only requires that school districts develop a procedure by which individuals can object to "instructional materials;" it does not require that a school board itself review the challenged materials. Further, HF 802 requires that "the superintendent," not the school board, ensure that materials are not promoting or otherwise advocating a specific stereotyping or scapegoating on the basis of demographic group membership or identity. Iowa Code 279.74. Therefore, the school board did not err in failing to perform an independent review of the challenged materials.

Further, the school board did not abuse its discretion when it determined that the superintendent's decision to uphold the reconsideration committee was reasonable based on the information presented to the superintendent and the reconsideration committee. During the April 2025 meeting, the school board reviewed the materials that the reconsideration committee considered in reaching its decision, including the fact that the reconsideration committee reviewed the challenged materials, received education on HF 802 and Iowa education standards, was instructed on how the materials were vetted by District staff, and the fact that Flockhart had an opportunity to express her concerns to the reconsideration committee. Examining the evidence in the record, a reasonable person could have found sufficient evidence and come to the same conclusion as the school board, *i.e.*, that the superintendent's decision was reasonable in light of the fact that the reconsideration committee reviewed information from all interested parties and was educated on Iowa law prior to making its decision. Consequently, the school board did not abuse its discretion.

It is clear that the issue of English II curriculum is very important to Flockhart. Flockhart raised a number of issues at hearing and in her brief about whether the English II curriculum was balanced and appropriate for students. However, those issues cannot be addressed in this

proceeding. The State Board only has jurisdiction to review decisions by the school board. In this case, the school board only reviewed whether its policies were followed and whether the decisions reached were reasonable in light of the information provided. Accordingly, for the reasons discussed above, Flockhart's appeal is denied and the school board's decision is affirmed.

ORDER

Flockhart's appeal is denied. The school board's decision to affirm the superintendent's decision upholding the recommendation by the reconsideration committee is not an abuse of its discretion.

cc:

Shellie Flockhart, 304 Kellogg Ave., Dallas Center, IA 50063, shelliepullen@msn.com
(By Email)

Danielle Haindfield, Counsel for Respondent (By AEDMS)

Jazmine Polk, Counsel for Respondent (By AEDMS)

Rebecca Griglione, DOE (By AEDMS)

Appeal Rights

Any adversely affected party may appeal a proposed decision to the state board within 20 days after issuance of the proposed decision.¹ An appeal of a proposed decision is initiated by filing a timely notice of appeal with the office of the director. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service.² The requirements for the notice are found at Iowa Admin. Code r. 281-6.17(5). Appeal procedures can be found at Iowa Admin. Code r. 281-6.17(6). The board may affirm, modify, or vacate the decision, or may direct a rehearing before the director or the director's designee.³

¹ 281 Iowa Administrative Code (IAC) 6.17(4).

² 281 IAC 6.17(5).

³ 281 IAC 6.17(7).

Case Title: IN RE: SHELLIE FLOCKHART V. DALLAS CENTER-GRIMES
COMMUNITY SCHOOL DISTRICT BOARD OF EDUCATION
(5214)
Case Number: 25DOE0009
Type: Order

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Rachel D Morgan". The signature is written in a cursive, flowing style.

Rachel Morgan, Administrative Law Judge



Griglione, Rebecca <rebecca.griglione@iowa.gov>

Appeal Appeal of Administrative Law Judge's Decision – Request for Prompt Review

1 message

SHELLIE Flockhart <SHELLIEPULLEN@msn.com>

Tue, Jul 22, 2025 at 11:13 PM

To: Anne Stokely <astokely@ahlerslaw.com>, Danielle Haindfield <dhaindfield@ahlerslaw.com>, Jazmine Polk <jpolk@ahlerslaw.com>, "Griglione, Rebecca" <rebecca.griglione@iowa.gov>, teri patrick <terpatrick088@hotmail.com>
Cc: Thomas Mayes <thomas.mayes@iowa.gov>, Angela Wenell <angelawenell@gmail.com>, teri patrick <terpatrick088@hotmail.com>

<https://www.dropbox.com/scl/fo/jm5buq17drtzmbv7v1z1g/AB2z0D-lw22y2MxXZjer-RQ?rlkey=quza73vqajrf9mb1a4kdtq1xa&st=gn0h19n5&dl=0>

Hello! I am writing as the appellant in the matter of my appeal of the Administrative Law Judge's decision regarding the process of review regarding material in high school English 2.

I have submitted my appeal to the Iowa Dept Of Education, Mr. Mayes, and Director Snow. I also mailed a certified letter as well.

Attached in this email, you will find relevant documents related to this appeal.

Thank you,

Shellie Flockhart
515-490-5117

IOWA STATE BOARD OF EDUCATION

IN RE: SHELLIE FLOCKHART V. DALLAS CENTER-GRIMES COMMUNITY SCHOOL
DISTRICT BOARD OF EDUCATION

Case No. 25DOE0009

NOTICE OF APPEAL

Pursuant to Iowa Code section 290.1 and Iowa Administrative Code rule 281-6.17(5), Shellie Flockhart hereby files this Notice of Appeal from the Proposed Decision issued by Administrative Law Judge Rachel Morgan on July 17, 2025.

Shellie Flockhart- Appellant, 304 Kellogg Ave., Dallas Center, IA 50063

shelliepullen@msn.com

The Proposed Decision issued on July 17, 2025, by Administrative Law Judge Rachel Morgan in Case No. 25DOE0009, denying Appellant's appeal and affirming the decision of the Dallas Center-Grimes Community School District Board of Education to uphold the superintendent's decision regarding the reconsideration of instructional materials in English II Units 2 and 3.

Exception is taken to the following specific findings and conclusions in the Proposed Decision:

- The conclusion that the school board did not abuse its discretion in determining that the reconsideration committee and superintendent followed proper procedures and that the superintendent's decision was reasonable (pages 4-5).
- The finding that Appellant has standing but that her injuries (e.g., her son's inability to participate in classroom discussions and transfer to online learning) do not warrant reversal (page 5).
- The conclusion that the reconsideration committee was only required to review "instructional materials" (i.e., core curriculum novels and graphic novels) and not supplemental materials (e.g., songs, videos, articles, book excerpts, and poems), as this misinterprets Iowa Code sections 279.74 and 279.77 and fails to address the overall curriculum's compliance with House File 802 (HF 802) and Senate File 496 (SF 496) (pages 5-7).
- The finding that the District was not obligated to keep Appellant's identity confidential under Iowa Code section 279.77(4), and that there is insufficient evidence of bias or improper disclosure, despite the record showing public disclosure after the first committee received unredacted materials (pages 7-8).
- The conclusion that the school board was not required to conduct an independent review of the challenged materials, as this overlooks the board's ultimate responsibility under Iowa law and its own policies to ensure curriculum balance and compliance with HF 802 (page 8).

Additional exceptions include the overall decision's failure to substantively address whether the English II curriculum promotes divisive concepts in violation of HF 802, and the misapplication of the abuse of discretion standard by not requiring a full review of all materials used in the units.

Appellant seeks reversal of the Proposed Decision, vacatur of the school board's affirmation of the superintendent's decision, and remand to the school board with instructions to: (1) conduct a full review of all materials in English II Units 2 and 3 (including supplemental materials) for compliance with HF 802, SF 496, and board policies; (2) ensure confidentiality in future proceedings; and (3) make necessary changes to the curriculum to achieve balance and legal compliance. In the alternative, Appellant seeks a rehearing before the director or designee.

- The Proposed Decision misinterprets Iowa Code sections 279.74 and 279.77 by limiting the review process to only books, and not other "instructional materials", when Appellant's challenge was to the 2 units of curriculum or educational material. The parent asked for balance where this is promotion of divisive concepts, under HF 802. A holistic review is required to assess compliance. The parent asked several times if the Reconsideration of Materials was the correct process for violation of the law and/or board policy, and was directed to continue with the Reconsideration of Materials process, both by administration and the Board President.
- The decision errs in finding no violation of confidentiality requirements under Iowa Code section 279.77(4), as the disclosure compromised the process's integrity and led to bias.
- The school board abused its discretion by not independently reviewing the materials, delegating excessively, and failing to ensure the curriculum adheres to state law prohibiting promotion of divisive materials, such as systemic racism or stereotypes.
- The record shows the curriculum violates Board Policy 602.9 (requiring fair presentation of controversial issues) and HF 802 by portraying America as inherently racist without balance.
- The standard of review was misapplied, as a reasonable person could not conclude the procedures were sufficient given the incomplete review and procedural flaws.

Dated: July 21 2025

/s/ Shellie Flockhart

Shellie Flockhart, Appellant

304 Kellogg Ave.

Dallas Center, IA 50063

shelliepullen@msn.com

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2025, I served a true and correct copy of the foregoing Notice of Appeal upon the following parties via email and/or the Iowa Administrative Hearings Division.

Shellie Flockhart

"The American Dream" English 2 - Instructional Materials DCG

Parent: Shellie Flockhart District: Dallas Center Grimes 2024-2025 School Year	Superintendent: Scott Blum Asst. Superintendent: Greg Carenza Curriculum Director: Shana Olson Board President: Ryan Carpenter
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Initial Request	Formal Reconsideration	Escalation - Appeals	Board Appeal
SEPT 2024 - Contacted ELA Teacher w/ concerns about graphic novel selections (concerns about rigor). Asked for alternative materials E-mailed Principal and Superintendent w/concerns Principal indicated school was following policies related to (HF802) Emailed Superintendent a detailed email with outline of curriculum and concerns OCT 2024 - Upon request sent Superintendent HF802, policy violations and full review of curriculum materials In-person meeting with Superintendent - recommended 1. Could file a teacher complaint OR 2. submit formal reconsideration of graphic novel materials	OCT/NOV 2024 - Shared issue and status with School Board member - Transferred son out of ELA 2 class to on-line Edmentum course Confusion on books to be reconsidered - Principal indicated 3 books, Superintendent communicated to committee 2 (the graphic novels). Original compliant was the the entire curriculum. Submitted formal reconsideration of materials, committee selected by school, MEETING 12/12/24 - postponed due to concerns about leaked information from committee member (Librarian) Also discovered this curriculum was not just being used by one teacher, but other ELA2 classes at DCG - Notified Principal	JAN/FEB 2025 Second reconsideration meeting held as concerns about policy and procedure from 12/12 meeting. Confusion on books to be reconsidered - Principal indicated 3 books, Superintendent communicated to committee 2 (the graphic novels). My compliant was the the entire curriculum. Submitted ethics complaint on Librarian for leaking information to public prior to scheduled 12/12 meeting 2/19/25 - Reconsideration Committee Meeting - 2 Graphic Novels DECISION: Determined books would stay in curriculum 3/11/25 - Reconsideration Committee Meeting - 'This is My America' DECISION: Determined book would stay in curriculum	3/18/25 - Superintendent upheld committee decisions on the books. Determined no further action necessary. Appealed decision to the School Board 4/10/25 - Board denied appeal They didn't review the content - only voted on "was the process followed". 1. At no time was the 'curriculum as a whole' reviewed. Which was the original complaint from the beginning. 2. For HF802 concerns, how does a 'committee' have the legal knowledge to make a determine if there is a violation? Current Status Appealed to Iowa Department of Education - Accepted CASE No. 25DOE0009 DOE Admin Doc No.: 5214 ALJ: Rachel Morgan Hearing Date: June 27, 2025

OVERVIEW OF ISSUES	CURRICULUM for American Dream Unit
1. Materials challenged on rigor (2 graphic novels) 2. HF802 violation concerns 3. Violation of Board Policy 603.09 (Balanced views must be presented) 4. The curriculum in it's entirety was never evaluated or addressed (There is no process to do this)	1. American Born Chinese (Graphic Novel) 2. I Was Their American Dream (Graphic Novel) 3. This Is My America 4. Article "Why the American Dream is Unrecognizable Today" 5. MKTO's "American Dream (song)" 6. Steinbeck's A Paradox of Dreams 7. Gorman's The Hill We Climb, 8. Excerpt from 'Becoming' by Michelle Obama 9. Content on Juneteenth 10. Watching the film 'Just Mercy'

IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
CENTRAL PANEL BUREAU

SHELLIE FLOCKHART,

Appellant,

V.

DALLAS CENTER-GRIMES COMMUNITY
SCHOOL DISTRICT,

Appellee.

DIA Docket No. 25DOE0009
DE Admin Doc. 5214

PROPOSED DECISION

Appellant Shellie Flockhart filed an appeal to the State Board of Education (“State Board”), pursuant to Iowa Code section 290.1, of a decision rendered by the Dallas Center-Grimes Community School District Board of Directors (“School Board”). A telephone hearing in the matter was held on June 27, 2025. Appellant Flockhart was present and provided testimony. Parent Angela Wenell, Representative Samantha Fett, and Representative Steven Holt testified on behalf of the Appellant. Appellee Dallas Center-Grimes Community School District (“District”) was represented by attorneys Danielle Haindfield and Jazmine Polk. Superintendent Dr. Scott Blum, Director of Teaching and Learning, Shana Olson, Associate Superintendent of School Improvement, Dr. Greg Carenza, and School Board President Ryan Carpenter testified on behalf of the District. All exhibits offered by both parties were entered into the record without objection.

At hearing, arrangements were made for the parties to submit briefs following the hearing. The post-hearing briefs were due on July 11, 2025. Both parties timely submitted post-hearing briefs.

FINDINGS OF FACT

Flockhart's son is a student at the District. During the 2024-2025 school year, he was enrolled in English II at the District's high school.

During the 2024-2025 school year, the English II curriculum consisted of five units as follows:

- Unit 1: Email Etiquette, Figurative Language and Writer's Corner. The Unit reviewed different types of writing in three writing categories: persuade, entertain and inform.
- Unit 2: Argumentative writing, analysis of: characters, text and language, formal writing. During Unit 2, students read two graphic novels, *American Born Chinese* and *I was their American Dream* as well as "other articles and resources throughout in order to explore the themes of the text more."
- Unit 3: Speaking and Listening. Students read the novel, *This is My America*. The unit was designed to be a "very heavy discussion based unit" where students discussed different points of view and how authors' claims are developed.
- Unit 4: *The Crucible*: Research and Argumentative Writing. The unit focused on integrating multiple sources, looking at credibility of sources while evaluating a speaker's reasoning.
- Unit 5: Lit Circles. This unit gave Students the opportunity to read one of several books, including: *Glass Castle*, *Lion*, *Hidden Figures*, *Tuesdays with Morrie* or *The Red*

Bandanna, Finding Grace: the true story of Therapy Dogs Bringing Comfort, and Americanized: Rebel Without a Green Card.

Sch. Dist. Ex. 1.

When Flockhart was informed of the curriculum for English II, Flockhart had concerns about the materials used in Unit 2 and Unit 3. Specifically, Flockhart was concerned that the curriculum was not balanced and instead promoted theories stemming from critical race theory and social justice. Flockhart believed that the materials portrayed “America as inherently rooted in white supremacy and anti-American sentiment” in violation of Board Policy 603.09 and House File 802 (HF 802). Sch. Dist. Ex. 8. She was also concerned that the two graphic novels offered in Unit 2, *American Born Chinese* and *I was their American Dream*, were not academically appropriate for tenth-grade English II. *Id.*

On October 27, 2024, Flockhart filed a Request for Reconsideration of Instructional Material Form with the superintendent. Flockhart requested that the District review all materials offered in English II Unit 2 and Unit 3.

Pursuant to Board Policy 605.03-R(1), a reconsideration committee was established to review Flockhart’s request for reconsideration. The reconsideration committee was made up of seven members appointed by the superintendent and approved by the school board and included the following: two licensed employees, one teacher-librarian, one member of the administrative team that would serve as a chairperson (non-voting), and three members of the community. *See* Policy 605.03-R(1); Sch. Dist. Ex. 4; Flockhart Timeline.

Pursuant to Policy 605.03-R(1), on November 12, 2024, the school board approved Shana Olsen, the District’s Director of Teaching and Learning, and six other individuals to be members of the reconsideration committee. The committee was instructed to review three materials: the two graphic novels, *American Born Chinese* and *I was their American Dream*, and one novel, *This is My America*. The reconsideration committee did not review supplemental materials, such as poems, videos, articles, book excerpts, and songs, used in Unit 2 and Unit 3. The District determined that because supplemental materials were chosen by individual teachers and were not part of the District’s core curriculum, such materials were not “instructional materials” required to be reviewed by the reconsideration committee. Olsen Testimony; Sch. Ex. 4; Flockhart Timeline.

The reconsideration committee was scheduled to meet on December 12, 2024. Prior to the committee meeting, Olsen provided the committee with the Flockhart’s objections, including her reconsideration form. Flockhart’s name was not redacted from the reconsideration form. After the reconsideration committee was provided with Flockhart’s form, Flockhart’s name was released to the public. A number of social media posts were created about Flockhart’s challenge to the curriculum and the parties had concerns that the integrity of the reconsideration committee was compromised. *Id.* Dr. Blum met with the Flockhart and discussed whether she would prefer that the reconsideration committee meeting be continued or if she would rather restart the entire process with a new committee. Flockhart opted to restart the process. *Id.*

On January 27, 2025, the school board approved members of a new second reconsideration committee. Olsen continued to act as the non-voting chairperson. Sch. Dist. Ex. 4.

On January 31, 2025, Olsen emailed Flockhart and advised her that supplemental material in Units 2 and Unit 3, including songs, poems, videos, book excerpts, and articles, would not be reviewed by the reconsideration committee because they are not part of the District’s core curriculum. Core curriculum is developed from the Iowa academic standards and the materials

that are part of the core curriculum are subject to a vetting process that considers the standards, Lexile, and how the materials will be used. Sch. Dist. Exs. 4; 5 at 13; Olsen Testimony. Materials that are chosen as part of the core curriculum are required to be used by all teachers. Materials that are not part of the core curriculum are chosen by individual teachers. Because the supplemental materials in Unit 2 and Unit 3 were chosen by an individual teacher and not through the vetting process, Olsen advised Flockhart to raise her concerns about the supplemental materials with the building principal and the specific teacher. *Id.*

The reconsideration committee held a meeting on February 19, 2025 to discuss the graphic novels. Flockhart was provided with the option of attending the meeting in person or having her objections read to the reconsideration committee in order to preserve her confidentiality. Flockhart chose to attend the meeting in person. *Id.*

During the February 19, 2025 meeting, the reconsideration committee was provided with information on HF 802 which prohibits teaching, acting, promoting, or acting upon "stereotyping, scapegoating, or prejudice toward others on the basis of demographic group membership or identity." Sch. Dist. Ex. 9. Further, HF 802 prohibits teaching, advocating, acting upon, or promoting "specific defined concepts" which includes, among other things, that one race or sex is inherently superior to another race or sex or that the United States or Iowa are fundamentally or systemically racist or sexist. *Id.* The reconsideration committee also heard Flockhart's objections to the materials, including Flockhart's concerns that the graphic novels did not meet academic rigor, was contrary to HF 802, and were in violation of Board Policy 603.9 requiring that "controversial issues" be "fairly presented." Sch. Dist. Ex. 5. Flockhart believed that the two graphic novels highlighted "outdated stereotypes which are no longer relevant" and portrays "reverse racism." *Id.* Flockhart also believed that the books "push" the idea that America is "inherently racist." *Id.*

The reconsideration committee also heard from Jolie Morgan, a high school instructional coach. Morgan discussed the process of how instructional materials are selected for the District's core curriculum. *Id.*

After reviewing the materials and hearing from the District, Flockhart, and members of the community, the reconsideration committee voted via private ballot and recommended by a vote of 6-0 to make no changes to the Unit 2 curriculum. Specifically, the reconsideration committee had no concerns about the complexity of the graphic novels and had no concerns with their compliance with HF 802. Rather, the reconsideration committee found, among other things, that the perspective provided in both texts was valuable, the texts provided cultural exposure, and provided a unique perspective of completely different backgrounds. Sch. Dist. Ex. 5 at 17.

On March 11, 2025, the reconsideration committee met to review the novel, *This is My America*. Flockhart chose to have her statement read to the reconsideration committee by Olsen, instead of attending the meeting in person. In her statement, Flockhart argued that the curriculum pushed a divisive agenda, focusing on race and skin color rather than critical thinking. Sch. Dist. Ex. 5 at 15. Flockhart wanted the committee to review all the materials provided to students, including the supplemental, non-core curriculum materials. The reconsideration committee also heard comments from Representative Dan Gehlbach and community members. Sch. Dist. Ex. 5 at 15.

In the meeting, the reconsideration committee asked questions about teacher training regarding HF 802. Dr. Carenza stated that teachers are educated about HF 802 and are aware they should lead classroom discussions in a manner that is compliant with HF 802. *Id.*

The reconsideration committee voted by private ballot and voted 6-0 to make no changes to the Unit 3 curriculum. The reconsideration committee had some concerns with the novel's strong language and presence of underage drinking. However, the reconsideration committee found that the novel promoted critical thinking and respectful discussions. It further found that Unit 3 was structured to promote respectful discussions and encouraged students to set aside biases and stereotypes. The reconsideration committee noted that teacher training provided annually regarding HF 802 allows teachers to operate within the expectations of HF 802. Sch. Dist. Ex. 5 at 18.

On February 24, 2025, the superintendent reviewed the two graphic novels and decided to uphold the reconsideration committee's recommendation to make no changes to Unit 2 curriculum. The superintendent noted that the graphic novels are appropriate resources to meet English II standards, demonstrates values of different cultures, and the graphic novels were chosen through a district curriculum review process that "included participation by numerous professional educators" On March 18, 2025, the superintendent upheld the reconsideration committee's decision to make no changes to Unit 3 curriculum, noting that the novel was an appropriate resource for English II, has value in promoting critical thinking and discussions, exposes students to diverse experiences, teacher training regarding HF 802 allows teachers to operate within the law's guidelines, and the selection of the novel was performed by a district curriculum review process. Sch. Dist. Ex. 5 at 22.

Upon receipt of the superintendent's decision, Flockhart requested that the school board review the superintendent's decision. *See Flockhart Timeline*. On March 31, 2025, the school board approved Flockhart's appeal request. On April 10, 2025, the school board heard from Flockhart, Olsen and Superintendent Dr. Blum. The school board focused on whether the reconsideration committee and the superintendent followed the process outlined by Board Policies 605.03, 605.03-01, 605.03-02 and whether the superintendent's decision was reasonable. The school board voted to affirm the superintendent's decision with one dissent. Sch. Dist. Ex. 7.

On April 13, 2025, Flockhart appealed the school board's decision to the State Board. At the hearing, Flockhart argued that the District did not follow school board policies or Iowa law for a number of reasons, including that the reconsideration committee should have reviewed all materials presented to students, not just core curriculum. She also argued that the English II curriculum is not balanced and is in violation of HF 802 and School board Policy 603.09.

CONCLUSIONS OF LAW

I. STANDARD OF REVIEW

Pursuant to Iowa Code section 290.1, an affected pupil or the parent or guardian of an affected minor pupil who is aggrieved by a decision or order of the board of directors of a school corporation may appeal the decision or order to the state board of education. The rules regarding the procedures for such an appeal are found at 281 Iowa Administrative Code Chapter 6.

An agency's authority to review a school district's decision is only as broad as that vested in it by statute or regulation. *Sioux City Community School Dist. v. Iowa Dept. of Educ.*, 659 N.W.2d 563, 568 (Iowa 2003). "[W]here a statute provides for a review of a school district's discretionary action, the review, by necessary implication, is limited to determining *whether the school district abused its discretion*." *Id.* (Emphasis added). In applying the abuse of discretion standard, the State Board must look to whether a reasonable person could have found sufficient evidence to come to the same conclusion as reached by the school board. *See id.* at 569 (citing Iowa Code § 17A.19(10)(f)(1))).

Importantly in this case, the school board reviewed two issues: 1) whether the reconsideration committee and the superintendent correctly followed school board procedures and policy; and 2) whether the superintendent's decision, *i.e.*, to uphold the reconsideration committee's recommendation that no further action was needed in regards to the challenged materials, was reasonable. The school board answered both questions in the affirmative, concluding that its policies were followed and the superintendent's decision was reasonable. As discussed below, the school board did not abuse its discretion in reaching the above conclusions.

II. STANDING

The District first argues that Flockhart does not have standing to bring this appeal because she was not "aggrieved" by a decision of the school board. Specifically, the District argues that because Flockhart's son was allowed to read alternative materials, transfer out of the English II course, and suffered no "academic or disciplinary consequences," Flockhart was not injured or harmed by the school board's decision. In making its argument, the school board advocates for a narrow definition of "aggrieved" that is not supported by Iowa law. For this reason, its argument is without merit.

Iowa Code § 290.1 expressly requires that only individuals who have been "aggrieved" by a decision of a school district may file an appeal with the State Board. In determining who is an "aggrieved" party for purposes of standing in administrative actions, courts have developed a two-part test: "(1) the party must demonstrate a 'specific, personal, and legal interest' in the subject matter of the decision, and (2) the party must show this interest has been 'specially and injuriously affected by the decision.'" *Se. Warren Cmty. Sch. Dist. v. Dep't of Pub. Instruction*, 285 N.W.2d 173, 176 (Iowa 1979).

In this case, Flockhart has a legal interest in the subject matter of the appeal. Iowa Code § 279.77 specifically allows not only parents and guardians, but also "a resident of the school district" to request that a school district review instructional materials used in classrooms. *See* Iowa Code § 279.77. The statute provides a broad category of individuals with a legal interest in the question of what instructional materials should be used in classrooms. Flockhart squarely falls into this category.

In addition, Flockhart was "aggrieved" by the school board's decision in this case to make no changes to the English II curriculum. Although Flockhart's son was allowed to read alternative texts, her son was not able to participate in classroom discussions regarding the reading material because he read different materials. In addition, although Flockhart's son transferred out of the course, he was transferred to an online class and was not able to attend class in person. The fact that Flockhart's son was unable to participate in classroom discussions and was removed to online learning constitutes particularized and concrete injuries sufficient to afford standing in this case. *See e.g., Richards v. Iowa Dept't of Revenue & Fin.*, 454 N.W.2d 573, 575 (Iowa 1990) (finding that an individual's interest in seeing tax laws properly enforced was not sufficient to confer standing, but the pecuniary effects of a higher tax burden due to the improper grant of a tax exemption to somebody else could be sufficient). Accordingly, Flockhart has standing to bring her appeal.

III. SCHOOL BOARD DECISION

A. Materials Considered by Reconsideration Committee

Turning to the merits of the appeal, Flockhart first argues that the school board abused its discretion in upholding the superintendent's decision because the reconsideration committee

only considered whether two graphic novels and one novel complied with Iowa law and educational standards. Flockhart argues that the reconsideration committee should have reviewed the entire English II curriculum for Unit 2 and Unit 3, including songs, videos, articles, book excerpts, and poems, to determine whether the entire curriculum was “balanced” and in compliance with Iowa law, specifically HF 802.

In general, House File 802, codified in Iowa Code 279.74, restricts a school district’s use of materials that “promote” divisive concepts. HF 802’s prohibitions extend not only to “instructional materials,” but to all materials used in the classroom.

Senate File 496, codified in Iowa Code § 279.77, requires school districts to publish a “procedure or policy” for a parent or guardian to request the “removal of a book, article, outline, handout, video, or other educational material.” Iowa Code § 279.77(1) (Emphasis added). It also requires school districts to establish a process by which parents or guardians or residents of the school district may request a review of “instructional materials used in the classrooms in the school district.” Iowa Code § 279.77(2). “Instructional materials” does not include all materials presented to students. Rather, “instructional materials” is limited to:

Either 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.

Id. (Emphasis added).

Under the above legal framework, SF 496 requires school districts to have a procedure or a policy where parents and guardians can request the removal of educational materials available to students in a classroom or library. However, if parents or guardians have concerns regarding curriculum, SF 496 only requires school districts to formally review materials that constitute “instructional materials,” not all educational materials.

The District incorporated SF 496 into Board Policy 605.03. Board Policy 605.03 provides that parents and guardians of students enrolled in the District may request that their student not have access to certain “instructional materials” and quotes the definition of “instructional materials” that is contained in Iowa Code § 279.77. Board Policy 605.01-R(1) establishes the procedure for a reconsideration committee to a review challenges to instructional materials.

In this case, Flockhart objected to the entire English II curriculum in Unit 2 and Unit 3, including supplemental materials, because she did not feel the materials were “balanced” and promoted divisive concepts. Flockhart informed the District that she was requesting a review of the curriculum and expressly stated that she was not requesting the removal of a book or a “book ban.” See Sch. Dist. Ex. 5 (minutes of February 19 reconsideration committee where Flockhart tells the committee that she is “not asking for a book ban nor a recommendation to remove books”). Because Flockhart was requesting a review of the curriculum, the District, pursuant to Iowa Code § 279.77(2), reviewed which materials in English II Unit 2 and Unit 3 constituted “instructional materials” and established a reconsideration committee to review only those materials. The District informed Flockhart that she could discuss concerns she had with the supplemental materials with the building principal because such materials were chosen by individual teachers and were not part of the District’s core curriculum.

The above procedure complied with Iowa law. Because Flockhart was not requesting removal of educational materials, but a review of curriculum, the only materials subject to a formal review

process under SF 496 were the two graphic novels in Unit 2 and one novel in Unit 3. These three novels are the only materials that are required by the District to be taught as part of its core curriculum. The other challenged materials, including songs, poems, articles, book excerpts, and videos, are selected by individual teachers and do not constitute "instructional materials." Because the supplemental materials are not subject to SF 496's review process, the District correctly concluded that Flockhart's concerns regarding these materials may be handled informally with the building principal.

In sum, when a parent or guardian raises concerns about school district curriculum, Iowa law only requires school districts to have a formal procedure in place to review "instructional materials," not supplemental materials chosen by individual teachers. In accordance with this legal framework, the reconsideration committee properly reviewed only the materials that were part of the District's core curriculum and not supplemental materials. Accordingly, the school board's procedures are compliant with Iowa law and the school board did not abuse its discretion in finding that the procedure provided to Flockhart was appropriate.

B. Confidentiality and Bias of Committee

Flockhart next argues that the school board violated SF 496 by disclosing her name to the media. She also argues that the disclosure of her identity caused the review process to be biased. Flockhart's arguments are not supported by the record.

Iowa Code § 297.77(4) provides that the identity of a parent or guardian who requests *removal* of a "book, article, handout, video, or other educational material . . . shall be confidential and shall not be a public record subject to disclosure under chapter 22." (Emphasis added).

It is undisputed that Flockhart's name was disclosed to the public. The chairperson of the first reconsideration committee, Shana Olsen, testified that she provided the first reconsideration committee a copy of Flockhart's request form and Flockhart's name was not redacted. After the reconsideration committee was provided with Flockhart's review form, Flockhart's identity was disclosed to the public. Olsen Testimony.

However, Iowa Code § 297.77(4) only requires that the identity of a parent or guardian remain confidential when such parent or guardian requests the "*removal* of a book, article, outline, handout, video, or other educational material" . . . pursuant to subsection 1, paragraph 'a'." (Emphasis added). As discussed above, Flockhart was not requesting the removal of educational materials under Iowa Code § 297.77(1)(a); she was requesting a review of the District's curriculum under Iowa Code § 297.77(2). Therefore, under a close reading of Iowa Code § 297.77(4), the District was not obligated to keep Flockhart's identity confidential.

Moreover, it is not clear from the record who or how Flockhart's identity was disclosed to the public. Contrary to Flockhart's argument, the fact that Flockhart's identity was made public after it was disclosed to the reconsideration committee, does not mean that District staff disclosed her name. The reconsideration committee is composed of four District staff members and three members from the community. Although Flockhart speculates that the District's librarian was the individual who disclosed her name, speculation is not evidence. Consequently, even if the District had a duty to keep Flockhart's identity confidential, Flockhart has not proven that the District violated Iowa Code § 297.77(4).

Similarly, Flockhart has not established that the reconsideration committee was biased. When it was learned that Flockhart's identity was disclosed to the public, the District, in discussion with Flockhart, disbanded the first reconsideration committee and formed a new reconsideration committee with new committee members. The second reconsideration committee did not learn

of Flockhart's identity until she chose to disclose her identity by speaking to the committee in person. Flockhart presented no evidence that reconsideration committee members viewed her unfavorably or prejudged her concerns. Accordingly, there is no evidence that the second reconsideration committee was biased because it knew Flockhart was challenging the instructional materials. The school board did not abuse its discretion in affirming the superintendent's decision.

C. Reasonableness of Superintendent's Decision

Finally, Flockhart asserts that the school board violated its policies and Iowa law when the school board did not conduct an independent review of the challenged materials but instead found that the superintendent's decision was reasonable in light of the procedures provided and the information reviewed by the reconsideration committee. Flockhart's argument is without merit for the following reasons.

Pursuant to its policies, the school board delegated its authority to review and establish curriculum to the superintendent and certified staff. Specifically, Board Policy 602.01 delegates the responsibility for development of curriculum to the superintendent. Board Policy 605.01 delegates the authority to approve instructional materials to "certified staff" and the selection of textbooks to the superintendent. The school board also delegated its authority to review challenges to instructional materials to the reconsideration committee and the superintendent. If a party appeals a superintendent's decision concerning the reconsideration committee, the school board has discretion to hear the appeal. *See* Policy 605.03.

Under the above policies, because the school board delegated its authority to make and review curriculum decisions, there was no obligation for the school board to perform an independent review of the instructional materials considered by the reconsideration committee. In addition, Iowa law does not require school boards to perform an independent review of instructional materials or other educational materials. SF 496 only requires that school districts develop a procedure by which individuals can object to "instructional materials;" it does not require that a school board itself review the challenged materials. Further, HF 802 requires that "the superintendent," not the school board, ensure that materials are not promoting or otherwise advocating a specific stereotyping or scapegoating on the basis of demographic group membership or identity. Iowa Code 279.74. Therefore, the school board did not err in failing to perform an independent review of the challenged materials.

Further, the school board did not abuse its discretion when it determined that the superintendent's decision to uphold the reconsideration committee was reasonable based on the information presented to the superintendent and the reconsideration committee. During the April 2025 meeting, the school board reviewed the materials that the reconsideration committee considered in reaching its decision, including the fact that the reconsideration committee reviewed the challenged materials, received education on HF 802 and Iowa education standards, was instructed on how the materials were vetted by District staff, and the fact that Flockhart had an opportunity to express her concerns to the reconsideration committee. Examining the evidence in the record, a reasonable person could have found sufficient evidence and come to the same conclusion as the school board, *i.e.*, that the superintendent's decision was reasonable in light of the fact that the reconsideration committee reviewed information from all interested parties and was educated on Iowa law prior to making its decision. Consequently, the school board did not abuse its discretion.

It is clear that the issue of English II curriculum is very important to Flockhart. Flockhart raised a number of issues at hearing and in her brief about whether the English II curriculum was balanced and appropriate for students. However, those issues cannot be addressed in this

proceeding. The State Board only has jurisdiction to review decisions by the school board. In this case, the school board only reviewed whether its policies were followed and whether the decisions reached were reasonable in light of the information provided. Accordingly, for the reasons discussed above, Flockhart's appeal is denied and the school board's decision is affirmed.

ORDER

Flockhart's appeal is denied. The school board's decision to affirm the superintendent's decision upholding the recommendation by the reconsideration committee is not an abuse of its discretion.

cc:

Shellie Flockhart, 304 Kellogg Ave., Dallas Center, IA 50063, shelliepullen@msn.com
(By Email)
Danielle Haindfield, Counsel for Respondent (By AEDMS)
Jazmine Polk, Counsel for Respondent (By AEDMS)
Rebecca Griglione, DOE (By AEDMS)

Appeal Rights

Any adversely affected party may appeal a proposed decision to the state board within 20 days after issuance of the proposed decision.¹ An appeal of a proposed decision is initiated by filing a timely notice of appeal with the office of the director. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service.² The requirements for the notice are found at Iowa Admin. Code r. 281-6.17(5). Appeal procedures can be found at Iowa Admin. Code r. 281-6.17(6). The board may affirm, modify, or vacate the decision, or may direct a rehearing before the director or the director's designee.³

¹ 281 Iowa Administrative Code (IAC) 6.17(4).

² 281 IAC 6.17(5).

³ 281 IAC 6.17(7).

Case Title: IN RE: SHELLIE FLOCKHART V. DALLAS CENTER-GRIMES
COMMUNITY SCHOOL DISTRICT BOARD OF EDUCATION
(5214)
Case Number: 25DOE0009
Type: Order

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Rachel D Morgan". The signature is written in a cursive, flowing style.

Rachel Morgan, Administrative Law Judge

RECEIVED

Docket: 5214

SCHEDULING ORDER

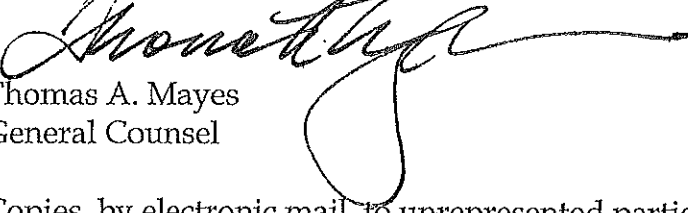
JUL 23 2025
DEPARTMENT OF
EDUCATION

It is hereby ORDERED -

- I. Petitioner may submit additional briefing and argument by **August 6, 2025**. Submissions may be filed with the Department and served on Respondent's counsel in person, by ordinary mail, or by electronic mail.
- II. Respondent's counsel may submit briefing and argument by **August 20, 2025**. Submissions may be filed with the Department and served on Petitioner in person, by ordinary mail, or by electronic mail.
- III. Petitioner may submit a reply brief and argument by **August 27, 2025**. Submissions may be filed with the Department and served on Respondent's counsel in person, by ordinary mail, or by electronic mail.
- IV. This matter will be submitted to the Iowa State Board of Education at its meeting on **September 12, 2025, at a time to be determined**. Parties and counsel are welcome to attend personally or participate by video conference call. Location and time to be announced by a separate order.
- V. At oral argument, Petitioner will have ten minutes, Respondent will have ten minutes, and Petitioner will have up to five minutes in rebuttal argument. These times are inclusive of questions that members of the State Board may have. No new evidence, testimony, or witnesses will be considered. Any person who attempts to speak during oral argument, other than parties or counsel of record, will be out of order.
- VI. Deadlines will be extended only upon written motion and only upon a showing of extraordinary circumstances.

Done on this 23rd day of July, 2025, in Des Moines.

Iowa Department of Education, by

A handwritten signature in black ink, appearing to read "Thomas A. Mayes", with a long horizontal flourish extending to the right.

Thomas A. Mayes
General Counsel

Copies, by electronic mail, to unrepresented parties and counsel of record

BEFORE THE IOWA DEPARTMENT OF EDUCATION

SHELLIE FLOCKHART,

Appellant,

v.

DALLAS CENTER-GRIMES
COMMUNITY SCHOOL DISTRICT
BOARD OF EDUCATION,

Respondent.

Case No. 25DOE0009

DE Appeal No. 5214

RESPONDENT'S BRIEF

COMES NOW Respondent, Dallas Center-Grimes Community School District Board of Education (the "District"), and submits this Brief in response to Appellant's appeal of the proposed decision of Administrative Law Judge, Rachel Morgan. The parties were directed to submit briefing and argument to the State Board in advance of the oral argument scheduled for September 12, 2025. For the reasons set forth below, Respondent respectfully requests that the State Board affirm the proposed decision.

I. The District Fully Complied with Its Board Policies and Iowa Law; the Superintendent Reasonably Upheld the Reconsideration Committee's Decision, and the Board Reasonably Affirmed.

A. Senate File 496 – Instructional Materials

The State Board should affirm Judge Morgan's proposed decision that the District was not required, as part of the reconsideration committee process, to review all of Appellant's challenged materials—including supplemental items such as songs, poems, articles, book excerpts, and videos—because these do not constitute core "instructional materials" and because Appellant did

not seek their removal. Accordingly, the District properly limited its review to the three challenged textbooks from the “American Dream” Unit.

In her brief, Appellant asserts that House File 802’s prohibitions extend to “all materials” used in the classroom to promote divisive concepts. However, curriculum review and removal requests are governed by Senate File 496, codified at Iowa Code § 279.77. Section 279.77(1)(a) requires districts to publish procedures for a parent or guardian to request the removal of a “book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district.” Section 279.77(4) ensures that “the identity of a parent or guardian who requests the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district. . . shall be confidential and shall not be a public record subject to disclosure under chapter 22.”

Iowa Code § 279.77(2) requires districts to adopt a policy that describes the procedures for a parent or guardian to review the “instructional materials used in classrooms in the District” and “request that the student not be provided with certain instructional materials.” The statute defines “instructional materials” as “either 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.” The definition explicitly provides that “instructional materials” does not include lesson plans.

In compliance with § 279.77(2), the District adopted Board Policy 605.03, which provides that parents may request that their student not access certain instructional or library materials and reiterates that instructional materials include only “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 district for use by students in the student's classes by the teacher of record," and that "instructional materials does not include lesson plans." Ex. 2 at 1.

Here, during both the reconsideration process and the appeal hearing on July 11, 2025, Appellant expressly stated she was requesting a review of the curriculum but was not requesting the removal of a book or a "book ban." *See* Ex. 5, pg. 10. Accordingly, her request was properly evaluated under § 279.77(2), which limits "instructional materials" to required core materials and does not include supplemental materials or lesson plans.

The District's Reconsideration Committee was therefore not required to review supplemental materials used at the discretion of individual teachers, as these fall within individual lesson planning rather than constituting "core" instructional materials. After consulting with legal counsel and the Iowa Department of Education—both of which confirmed that such materials are not "core"—the Reconsideration Committee affirmed the scope of its review, excluding supplemental materials. The District also informed Appellant that, while supplemental materials would not be reviewed by the Reconsideration Committee, building administration could evaluate them through regular instructional oversight if a specific request or concern were raised.

Accordingly, the District acted in accordance with law and policy in limiting the reconsideration review to the three challenged textbooks, and the State Board should affirm the proposed decision.

B. Senate File 496 – Confidentiality

The State Board should affirm Judge Morgan’s proposed decision that the District did not violate Senate File 496 by allegedly disclosing Appellant’s identity and that the District was not legally obligated to keep Appellant’s identity confidential.

As noted above, Iowa Code § 279.77(4) provides: “The identity of a parent or guardian who requests the removal of a book, article, outline, handout, video, or other educational material . . . shall be confidential and shall not be a public record subject to disclosure under chapter 22.” Here, Appellant was not requesting the removal of any instructional materials under Section 279.77(1)(a); she was requesting to review the materials under Section 279.77(2). Therefore, the confidentiality provision under Section 279.77(4) did not apply to her. Moreover, it is unclear whether the confidentiality provision extends to the District’s curriculum-related committees or applies solely to public records requests.

Nonetheless, despite the ambiguity in the law, the District took measures to protect Appellant’s identity from the public. For example, in response to a records request related to Appellant’s reconsideration request, the District redacted Appellant’s name from all responsive documents prior to release. The District acknowledges that the first Reconsideration Committee received a copy of Appellant’s reconsideration request form without redaction, thereby disclosing her identity to that Reconsideration Committee. When Appellant later expressed concern that her name had been disclosed via social media by a Reconsideration Committee member—an allegation unsupported by evidence and outside the District’s control—the District voluntarily disbanded the first Reconsideration Committee and convened a new one. The new Reconsideration Committee received redacted documentation and was not informed of Appellant’s identity. Appellant was also offered the option to remain anonymous by submitting written statements, but

she chose to attend the Reconsideration Committee meetings in person, thereby voluntarily disclosing her identity.

Appellant provides no evidence that a Reconsideration Committee member leaked her name to social media, only speculation that the librarian may have done so. She also provides no evidence that the disclosure of her identity affected the Reconsideration Committee's or Board's decisions regarding her requests. Even if her name was disclosed to the Reconsideration Committee or Board members—or to the public via social media—the Reconsideration Committee and Board acted in good faith, reviewing the request based on its merits without regard to who Appellant was.

Overall, the District's actions exceeded the requirements of statute and Board policy. Although it was not legally required to protect Appellant's confidentiality, the District took steps to do so where possible and made decisions based on law and policy, not Appellant's identity. Accordingly, the District fully complied with Senate File 496, Iowa Code § 279.77, and its own established policies. The State Board should affirm the proposed decision.

C. Board Policy 605.03 – Reconsideration of Instructional Materials

The State Board should affirm Judge Morgan's proposed decision that both the Superintendent and the Board acted reasonably in upholding the recommendations of the Reconsideration Committee and did not err in declining to perform an independent review of the challenged materials.

Under Board Policy, curriculum decisions are delegated to the Superintendent and certified staff. For example, Board Policy 602.01 provides that the Board “delegates the curriculum development process to the Superintendent, who makes recommendations and submits them to the Board for final approval.” Further, Board Policy 605.01 states: “The Board has the sole discretion

to approve instructional materials for the District. The Board delegates this authority to the certified staff to determine which instructional materials, other than textbooks, will be utilized by the District. . . The Superintendent may develop another means for the selection of textbooks.”

Similarly, under Board Policy 605.03, challenges to educational materials are delegated to a Reconsideration Committee, which is tasked with assessing the materials and making a recommendation to the Superintendent. Reconsideration Committee members are selected by the Superintendent and approved by the Board. After reviewing the Reconsideration Committee’s recommendation, the Superintendent issues a decision on whether to support the recommendation, which decision may then be appealed to the Board. Importantly, the Policy grants the Board discretion over whether to hear the appeal and does not require Board members to independently read or evaluate the challenged materials. The Board’s role under Policy 605.03 is oversight—not direct curricular review. That responsibility rests with trained educators and designated committees. The Policy only requires the Board to “affirm, modify, or reverse the decision of the Superintendent;” it does not authorize nor require the Board to independently re-evaluate instructional materials. *See* Regulation 605.03-R(1)(b)(8) (“The board will determine whether to hear the appeal. . . If the board elects to hear the appeal, the board will act to affirm, modify or reverse the decision of the Superintendent.”); Ex. 2 at 3. Further, nowhere in Senate File 496 or Iowa Code § 279.77 is the Board required to independently review challenged materials. House File 802 requires that the Superintendent “ensure that any curriculum or mandatory staff or student training provided. . .does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity.” This responsibility is assigned to the Superintendent, not the Board; therefore, neither state law nor Board policy requires the Board to independently review curriculum.

Here, the Reconsideration Committee fully complied with Policy 605.03. It read and evaluated the three challenged texts, considered public input and expert testimony, and reviewed the materials for alignment with House File 802 and the District's educational standards. Ex. 4; Ex. 5 at 10–18. Appellant was permitted to attend Reconsideration Committee meetings and provide input. The Superintendent reviewed the Reconsideration Committee's findings and issued a decision consistent with its recommendation. Ex. 5 at 20–22. Appellant offers no evidence that the Reconsideration Committee acted unreasonably or that the Superintendent acted unreasonably or abused his discretion in upholding the Reconsideration Committee's recommendation.

Although not required to do so, the Board voted to hear Appellant's appeal, providing her the full benefit of the review process. At the special meeting held on April 10, 2025, the Board reviewed the Superintendent's decision, considered the Reconsideration Committee's written findings and meeting minutes, and heard directly from Appellant. Ex. 7; Ex. 8. Based on this comprehensive record, the Board acted within its discretion in affirming the Superintendent's decision to retain the instructional materials. Appellant offers no evidence that the Board acted unreasonably or abused its discretion. Appellant's disagreement with the decisions of the Reconsideration Committee, Superintendent, and Board does not establish that their actions were unreasonable in conducting the review process. Accordingly, the State Board should affirm the proposed decision, which correctly found that the process complied with both law and policy.

D. House File 802

The State Board should affirm the proposed decision of Judge Morgan not to address Appellant's assertions regarding the content of the English II curriculum, as such claims fall outside the scope of the State Board's jurisdiction under Iowa Code Section 290.

Iowa Code Section 290.1 provides: “An affected pupil, or the parent or guardian of an affected pupil who is a minor, who is aggrieved by a decision or order of the board of directors of a school corporation in a matter of law or fact. . . may. . . appeal the decision or order to the state board of education.” Thus, the State Board’s jurisdiction is limited to reviewing decisions of the Board. It does not have authority to review the District’s curriculum for compliance with Iowa law, including House File 802.

Nonetheless, the English II “American Dream” unit does not violate House File 802. House File 802, codified at Iowa Code § 279.74, prohibits schools from teaching, promoting, or encouraging race- or sex-based stereotyping or scapegoating, including specific concepts such as the belief that one race or sex is inherently superior to another, or inherently racist, sexist, or oppressive. However, the statute includes clear exceptions. Subsection 4(f) expressly provides that the law does not prohibit: “the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.” Additionally, subsection 4(c) permits discussion of such concepts as part of a larger course of academic instruction. Here, the English II “American Dream” unit does not contravene House File 802, as it presents themes related to race and social justice in a balanced academic context and does not promote any of the prohibited concepts.¹

¹ Appellant also asserts in her brief that House File 802 requires a “balance” of materials in the curriculum; however, the statute does not impose any such requirement. In fact, the word “balance” does not appear anywhere in the statute. Board Policy 605.01 does provide that “Controversial issues materials will be directed toward maintaining a balanced collection representing various views.” As stated at the hearing, the Curriculum Committee reviews the curriculum for balance across each course in its entirety—not on a unit-by-unit basis—and balance is further achieved through students’ classroom discussions. Nonetheless, Board Policy 605.01 also states that: “Racism - 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. Required material will comply with all applicable laws.” The District’s review and use of curriculum materials fully comply with these policies and with all applicable legal requirements, including House File 802.

To ensure compliance with House File 802, the District provides annual training to teachers and administrators on the statute's requirements. The District's Curriculum Committee reviews instructional materials to ensure legal compliance, including with House File 802. In this case, the Reconsideration Committee conducted a thorough review of the three challenged texts and appropriately concluded that none violated the statute.

WHEREFORE, for the reasons stated above, the District respectfully requests that the State Board affirm the proposed decision.

Respectfully submitted,

/s/ Jazmine C. Polk

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4913-2204-6048-3\10363-167

CERTIFICATE OF SERVICE		
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on <u>August 20, 2025</u>		
By	<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> Fax
	<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Carrier
	<input type="checkbox"/> Electronically through CM-ECF	<input checked="" type="checkbox"/> E-mail
	<input checked="" type="checkbox"/> Electronically through Efile	
Signature	<u>/s/ Anne Stokely</u>	



Griglione, Rebecca <rebecca.griglione@iowa.gov>

Appellant's rebuttal brief

1 message

SHELLIE Flockhart <shelliepullen@msn.com>

Tue, Aug 26, 2025 at 11:11 AM

To: Thomas Mayes <thomas.mayes@iowa.gov>, "Griglione, Rebecca" <rebecca.griglione@iowa.gov>, Jazmine Polk <jpolk@ahlerslaw.com>, Anne Stokely <astokely@ahlerslaw.com>, teri patrick <teripatrick088@hotmail.com>, "Angelawenell@gmail.com" <angelawenell@gmail.com>

APPELLANT'S REBUTTAL BRIEF

COMES NOW Appellant, Shellie Flockhart, and submits this Rebuttal Brief in response to Respondent's Brief filed on August 20, 2025. The parties were directed to submit briefing and argument to the State Board in advance of the oral argument scheduled for September 12, 2025.

For the reasons set forth below, Appellant respectfully requests that the State Board reverse the proposed decision of Administrative Law Judge Rachel Morgan and find that the District violated Iowa law and its own policies in handling Appellant's reconsideration request.

I. The District Failed to Comply with Its Board Policies and Iowa Law; the Superintendent and Board Acted Unreasonably in Upholding a Flawed Reconsideration Process.

A. Senate File 496 – Instructional Materials

The State Board should reverse Judge Morgan's proposed decision and find that the District was required to review all challenged materials, including supplemental items such as songs, poems, articles, book excerpts, and videos, as these constitute educational materials subject to reconsideration under Iowa Code § 279.77 and are integral to the curriculum's compliance with House File 802.

Respondent falsely claims that Appellant "did not seek their removal" and that the review was properly limited to three textbooks because supplemental materials are not "core instructional materials." This misrepresents both the law and the facts. Iowa Code § 279.77(1)(a) explicitly requires districts to establish procedures for parents to request the removal of "a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library." This broad language encompasses supplemental materials like articles, videos, and excerpts—precisely the types Appellant challenged as part of the "American Dream" Unit. Appellant's reconsideration request was not limited to a mere "review" without potential removal; it sought evaluation for compliance with House File 802, which prohibits certain divisive concepts in all curriculum and training. If materials violate that law, removal, or modification is implied and necessary to ensure compliance.

Moreover, while § 279.77(2) defines "instructional materials" narrowly for opt-out requests as "printed or electronic textbooks and related core materials... required by a state educational agency or local educational agency," this definition does not override the broader scope of § 279.77(1) for removal requests or preclude review of supplemental materials used in classrooms. House File 802 (Iowa Code § 279.74) applies to "any curriculum or mandatory staff or student training," not just "core" items, and prohibits teaching or promoting specific defined concepts like race or sex stereotyping or scapegoating. The District's selective limitation ignored this, allowing potentially violative supplemental materials to evade scrutiny. Respondent's assertion that these are mere "lesson plans" excluded from review is false; lesson plans are explicitly carved out, but articles, videos, and excerpts are distinct educational materials delivered to students.

The Reconsideration Committee's exclusion, based on consultations with legal counsel and the Iowa Department of Education, does not absolve the District; it highlights a deliberate narrowing of scope contrary to the law's intent to promote transparency and parental input on all classroom materials. Appellant raised specific concerns about supplemental items promoting prohibited concepts, yet the District dismissed them as discretionary teacher choices subject only to "regular instructional oversight." This abdicates responsibility under § 279.77. The State Board should reverse and require a full review of all challenged materials to ensure compliance.

B. Senate File 496 – Confidentiality

The State Board should reverse Judge Morgan's proposed decision and find that the District violated Iowa Code § 279.77(4) by disclosing Appellant's identity, as her request implicated the removal of educational materials, triggering confidentiality protections.

Respondent falsely asserts that confidentiality under § 279.77(4) "did not apply" because Appellant was not requesting removal under § 279.77(1)(a). This is a mischaracterization. Section 279.77(4) protects the identity of any parent "who requests the removal of a book, article, outline, handout, video, or other educational material" available in the classroom. Appellant's challenge to the "American Dream" Unit materials, including requests for evaluation and potential exclusion if violative of House File 802, constitutes a removal request within the statute's plain meaning. Her statement that she was not seeking a "book ban" was contextual—not a waiver of removal for non-compliant items—but a clarification that she sought balanced, lawful curriculum, not wholesale censorship.

Even if ambiguity exists, the District's actions demonstrate a breach. Respondent admits disclosing Appellant's unredacted request to the first Reconsideration Committee, exposing her identity. While the District later redacted documents and formed a new committee, this was reactive, not preventive, and came after harm occurred. Appellant provided evidence at the hearing of a social media leak tied to a committee member (the librarian), including timestamps and content linking the disclosure to committee discussions. Respondent's claim of "no evidence" is unsubstantiated speculation; the leak's timing and details align with the unredacted disclosure, and the District failed to investigate or prevent it despite knowing the risks. Appellant did not "voluntarily disclose" her identity by attending meetings; she exercised her right to participate while expecting statutory protections. The District's redaction of records in response to public requests was minimal compliance, not exceeding requirements as claimed. These breaches chilled parental involvement and violated the law's confidentiality mandate, warranting reversal.

C. Board Policy 605.03 – Reconsideration of Instructional Materials

The State Board should reverse Judge Morgan's proposed decision and find that the Superintendent and Board acted unreasonably by failing to independently review the challenged materials, abdicating their oversight duties under Board Policies and Iowa law.

Respondent falsely claims the Board has no obligation to independently evaluate materials, citing delegation to the Superintendent and staff under Policies 602.01, 605.01, and 605.03. This ignores the Board's ultimate responsibility. Policy 605.03 requires the Reconsideration Committee to assess materials and recommend to the Superintendent, whose decision is appealable to the Board. The Board must then "affirm, modify, or reverse" that decision, implying meaningful review—not rubber-stamping. Regulation 605.03-R(1)(b)(8) grants discretion to hear appeals but does not permit superficial consideration once heard. House File 802 assigns the Superintendent to ensure curriculum compliance but does not exempt the Board from oversight, especially on appeal.

Here, the Reconsideration Committee's process was flawed: it excluded supplemental materials, relied on incomplete evaluations, and dismissed expert input on violations. The Superintendent upheld this without addressing gaps. The Board, despite voting to hear the appeal, reviewed only summaries, minutes, and the Superintendent's decision—not the materials themselves. This is unreasonable, as evidenced by Board members' admissions at the April 10, 2025, meeting that they had not read the texts. Appellant presented evidence of unreasonableness, including misalignments with House File 802 and lack of balance under Policy 605.01, which requires "balanced collection representing various views" and candid treatment of intercultural issues without promoting prejudice.

The District's delegation does not absolve the Board; appeals exist to correct errors, requiring independent judgment. The State Board should reverse and mandate a proper, independent Board review.

D. House File 802

The State Board should reverse Judge Morgan's proposed decision and address the English II curriculum's content, as the Board's affirmation of non-compliant materials is within the State Board's jurisdiction under Iowa Code § 290.1, and the unit violates House File 802.

Respondent falsely claims the State Board lacks jurisdiction to review curriculum compliance, limiting § 290.1 to "decisions or orders of the board." This appeal challenges the Board's April 10, 2025, decision affirming the Superintendent's retention of materials, inherently including content compliance. Section 290.1 allows appeals on "matters of law or fact," encompassing whether the decision upholds unlawful curriculum. The "American Dream" Unit violates § 279.74 by promoting specific defined concepts, such as race-based scapegoating (e.g., materials implying inherent racism in certain groups) and stereotyping, beyond mere historical teaching. Exceptions in § 279.74(4)(c) and (f) allow discussion in academic contexts or teaching oppression topics, but not advocacy or promotion—which occurred here through unbalanced selections emphasizing one viewpoint. Respondent's footnote falsely states House File 802 imposes no "balance" requirement; while the statute lacks the word, it prohibits promotion of stereotyping, implicitly requiring

neutrality. Board Policy 605.01 explicitly demands balance in controversial materials and diversity without prejudice, which the unit lacks—reviewed unit-by-unit or holistically.

The District's training and reviews were insufficient, as the Reconsideration Committee ignored violations. The State Board must reverse to enforce the law.

WHEREFORE, for the reasons stated above, Appellant respectfully requests that the State Board reverse the proposed decision and direct the District to fully review and revise the challenged materials in compliance with Iowa law and policy.

Respectfully submitted,
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