

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

BREAN WOODS and BECCA FREDERICK	)	
and all others similarly situated,	)	
	)	
Plaintiffs,	)	CASE NO. _____
	)	
vs.	)	
	)	PETITION AT LAW AND JURY
STATE OF IOWA, IOWA GENERAL	)	DEMAND
ASSEMBLY, IOWA DEPARTMENT	)	
OF EDUCATION, and IOWA GOVERNOR	)	
TERRY BRANSTAD,	)	
	)	
Defendants.	)	

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COMES NOW, the Plaintiffs, BREAN WOODS and BECCA FREDERICK, on behalf of themselves and all others similarly situated, by and through their attorney Catherine Z. Cartee of CARTEE & MCKENRICK, P.C., 125 Kirkwood Blvd., Davenport, Iowa, 52803, telephone number (563) 323-2500, facsimile number (563) 323-8335, and for their cause of action against Defendants STATE OF IOWA, IOWA GENERAL ASSEMBLY, IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANDSTAD, do hereby state as follows:

JURISDICTION

1. The Iowa District Court in and for Scott County is proper jurisdiction and venue for the above-captioned cause based on the Plaintiffs' residency therein at all times material hereto.

2. Defendants STATE OF IOWA, IOWA GENERAL ASSEMBLY, IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANDSTAD are all subject to the jurisdiction of the aforementioned district court of the State of Iowa.

## PARTIES

3. Plaintiff BREAN WOODS, at all times material hereto, was a resident of Scott County, Iowa, and a former student who graduated from Davenport Community School District (hereinafter, "Davenport schools"), a school corporation pursuant to Iowa Code ch. 274, located within the county of Scott, Iowa, and hereinafter referred to as "Davenport schools."

4. Plaintiff BECCA FREDERICK, at all times material hereto, was a resident of Scott County, Iowa, and a former student who graduated from the Davenport schools.

5. Defendant STATE OF IOWA is the sovereign state government organized under the Constitution of the State of Iowa.

6. Defendant IOWA GENERAL ASSEMBLY is the legislative authority of the state pursuant to Article III of the Constitution of the State of Iowa.

7. Defendant IOWA DEPARTMENT OF EDUCATION is the state executive agency with authority over all public elementary and secondary schools in Iowa pursuant to Iowa Code ch. 256.

8. Defendant IOWA GOVERNOR TERRY BRANSTAD is the supreme executive of the state pursuant to Article IV of the Constitution of the State of Iowa.

## COMMON ALLEGATIONS

9. Pursuant to the Constitution of the State of Iowa Art. IX, 2nd, § 1, Defendant IOWA GENERAL ASSEMBLY controls all school funding for Davenport schools and all other public school districts within the state.

10. Upon information and belief, there are currently 333 such public school districts so governed.

11. The education funding Davenport schools are and were permitted to receive and spend each year for the benefit of Plaintiffs and other current and former students similarly situated is controlled by the Defendants STATE OF IOWA and IOWA GENERAL ASSEMBLY, pursuant to Iowa Code ch. 257.

12. Pursuant to the spending formula set forth in Iowa Code ch. 257 and the calculations set forth and enforced by the Defendants IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANSTAD, Davenport schools were limited to spending a per pupil cost of \$6,446.00 during the 2015-2016 school year on behalf of Plaintiff BECCA FREDERICK and other students similarly situated.

13. Likewise, pursuant to the spending formula set forth in Iowa Code ch. 257 and the calculations set forth and enforced by the Defendants IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANSTAD, Davenport schools were limited to spending a per pupil cost equal to \$6,591.00 for the current school year.

14. Five school districts located in the state of Iowa that enrolled students similarly situated to Plaintiffs are eligible this year to collect and receive \$175.00 more per pupil than Davenport schools pursuant to the same spending formula controlled by Defendant IOWA GENERAL ASSEMBLY in Iowa Code ch. 257 and the calculations set forth and enforced by the Defendants IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANSTAD.

15. Upon information and belief, a total of 171 Iowa school districts enrolling students similarly situated to Plaintiffs are eligible to collect and receive more education funding per pupil than Davenport schools this year pursuant to the funding formula

controlled by the Defendant IOWA GENERAL ASSEMBLY and enforced by the Defendants IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANSTAD.

16. The students enrolled in the aforementioned school districts therefore receive more education funding than Plaintiffs and students similarly situated and enrolled in the Davenport schools by operation of Iowa Code ch. 257.

17. At all times material hereto, Defendants IOWA GENERAL ASSEMBLY and IOWA GOVERNOR TERRY BRANSTAD have had authority to change the terms and school funding structure pursuant to Iowa Code ch. 257.

18. At all times material hereto, Defendants IOWA GENERAL ASSEMBLY and IOWA GOVERNOR TERRY BRANSTAD have failed to do so.

COUNT I: VIOLATION OF EQUAL PROTECTION UNDER THE LAW

19. Plaintiffs are guaranteed equal protection under the law pursuant to the Constitution of the State of Iowa, to wit:

All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

(Iowa Const. Art. I, § 6.)

20. Iowa Code ch. 257 denies Plaintiffs equal protection under the laws of the state as applied to Plaintiffs and others similarly situated.

21. In the alternative, Iowa Code ch. 257 is a violation of the equal protection clause of the Constitution of the State of Iowa on its face.

WHEREFORE, the Plaintiffs BREAN WOODS and BECCA FREDERICK respectfully request that this Court enter judgment against Defendants STATE OF IOWA, IOWA GENERAL ASSEMBLY, IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY

BRANDSTAD, herein declaring Iowa Code ch. 257 unconstitutional pursuant to Article I, Section 6 of the Constitution of the State of Iowa.

COUNT II: VIOLATION OF DUE PROCESS

22. Plaintiffs re-allege the averments in paragraphs 1 through 18 as if fully set forth herein.

23. Plaintiffs cannot be deprived of life, liberty or property without due process of law pursuant to Article I, Section 9, of the Constitution of the State of Iowa.

24. Iowa Code ch. 257 denies Plaintiffs due process of law as applied to Plaintiffs and others similarly situated.

25. In the alternative, Iowa Code ch. 257 violates the due process of the Constitution of the State of Iowa on its face.

WHEREFORE, the Plaintiffs BREAN WOODS and BECCA FREDERICK respectfully request that this Court enter judgment against Defendants STATE OF IOWA, IOWA GENERAL ASSEMBLY, IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANDSTAD, herein declaring Iowa Code ch. 257 unconstitutional pursuant to Article I, Section 9 of the Constitution of the State of Iowa.

COUNT III: VIOLATION OF CIVIL RIGHTS

26. Plaintiffs re-allege the averments in paragraphs 1 through 18 as if fully set forth herein.

27. Defendants actions herein alleged constitute an unfair and discriminatory practice toward Plaintiffs and other persons similarly situated.

28. Plaintiffs and other persons similarly situated suffered damages as a result of Defendants unfair and discriminatory practices.

WHEREFORE, the Plaintiffs BREAN WOODS and BECCA FREDERICK, respectfully requests that this Court enter judgment against Defendants STATE OF IOWA, IOWA GENERAL ASSEMBLY, IOWA DEPARTMENT OF EDUCATION and IOWA GOVERNOR TERRY BRANDSTAD, herein for unfair and discriminatory practices and award them compensatory and punitive damages thereon.

CLASS STATUS

29. Plaintiffs bring this action, pursuant to Iowa Rule of Civil Procedure 1.261, *et seq.*, as a class action for themselves and as representatives of and on behalf of all others similarly situated, to wit: all current and former students of Iowa public school districts receiving the lowest district cost per pupil since the current school funding formula was enacted.

30. Plaintiffs are informed and believe that the Class Members number in the thousands and reside throughout the state of Iowa and their joinder is therefore impracticable.

31. There exist in this action questions of law and fact common to all Class Members, and the separate adjudication of these issues by each of the Class Members, would be impracticable or inefficient and would create a risk of inconsistent judgments. Therefore, a class action should be permitted for the fair and efficient adjudication of the controversy.

32. There is nothing regarding this Class which would pose unusual difficulties in the case management, and there are no conflicts of law issues.

33. Plaintiffs and their counsel will thoroughly and adequately represent the interests of the Class and they do not have a conflict of interest in the maintenance of this

class action. Plaintiffs and their counsel have adequate resources, pursuant to Iowa R. Civ. P. 1.276, to prosecute this action.

34. Common questions of law and fact against the Defendants predominate over questions, if any, affecting only individual members, and a class action is superior to other available methods (if any such other methods exist), for the fair and efficient adjudication of the matters alleged herein.

35. The individual amounts at stake are insufficient to justify numerous separate lawsuits given the expense and complexity of this action, and no Class Members who are not representative parties have a substantial interest in controlling prosecution of separate actions.

36. Plaintiffs and Class Members have no other plain, speedy, or adequate remedy apart from this class action.

37. Plaintiffs demand a jury trial.

WHEREFORE, Plaintiffs seeks relief from this Court as follows: (i) certification of this action as a class action; (ii) a judgment against the Defendants in an amount sufficient to fully compensate the Plaintiffs and the other Class Members for unfair and discriminatory practices; (iii) a declaration that Iowa Code ch. 257 is unconstitutional pursuant to the Constitution of the State of Iowa; and (iv) such other and further relief as the Court may deem necessary and just.

BREON WOODS and BECCA FREDERICK,  
Plaintiffs,

By:   
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