DECLARATION OF HEATHER LYNN PRESTON

COMES NOW, Heather Lynn Preston and pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. My name is Heather Lynn Preston, and I am a resident of Des Moines, Iowa. I am over 18 years old and have personal knowledge of the facts as stated herein.
2. I am the mother of M.P. and S.P. who are eleven years old and are both in the sixth grade at Meredith Middle School in the Des Moines Public Schools.
3. Because my children are both under the age of twelve, they are not eligible to receive any of the currently authorized COVID-19 vaccines.
4. M.P. is diagnosed with Heterotaxy. Heterotaxy is an extremely rare condition where many organs in the body can be formed abnormally, in the wrong position, or are even missing.
5. M.P. has several medical complications because of his Heterotaxy, including significant heart defects (right atrial isomerism - bilateral right-sidedness), unbalanced complete atrioventricular septal defect (AVSD) with left ventricular dominance and right ventricular hypoplasia, D-transposition of the great arteries, pulmonary valve stenosis and twin AV node tachycardia), a lung defect (two right lungs) and an absent spleen.
6. The CDC has identified chronic heart and lung conditions such as the ones M.P. has as risk factors for severe illness from COVID-19.
7. M.P. has a 504 Plan to monitor his health conditions while at school. (See Attached Exhibit A).
8. S.P. has been diagnosed with hypertension due to small kidneys, seizures, and a range of other disabilities, including ADHD.

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9. The CDC has identified chronic kidney disease as risk factor for severe illness from COVID-19.
10. S.P. has a 504 plan to address these medical concerns at school. (See Attached Exhibit B).
11. M.P.'s doctor has informed me that it is extremely dangerous for him to return to school without such precautions as following the recommended CDC guidelines of mandatory masking and regular testing in schools. According to his doctor, in order to decrease his risk, everyone around him should observe strict COVID-19 safety protocols and wear a mask indoors. (See Attached Exhibit C).
12. Last year both my children were enrolled in the remote learning option. I witnessed serious negative consequences. They both struggled greatly with mental health as well as academics with the online program. They did not receive the services they require virtually.
13. M.P has regressed in several areas, even with significant parental involvement in both curriculum development and dedicated learning time. M.P faced issues with learning online because of his ADHD since he did not have everyday access to his peers in a classroom setting. With M.P.'s medical needs, remote education is not feasible as he requires individualized attention, and his needs would not be met through online programing where an instructor is not present.
14. S.P. faced mental health issues that were exacerbated by the online learning where he was isolated from his peers.
15. Des Moines Public Schools is offering a remote learning option through a third-party provider, Edgenuity. This online program is largely pre-recorded and self-taught, and does not provide the necessary supports, services, and accommodations for my disabled

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children. Furthermore, in order to assist them with this online program, either my husband or I would have to quit our jobs to teach them.

16. We have no option but to send them back to school this fall.

17. I have emailed teachers for both my children with requests to keep them safe, distanced.

18. I sought accommodations for M.P., which are in M.P.'s 504 plan, such as asking the teacher to mask and allowing M.P. to leave class five minutes early to avoid the crowded hallways. However, M.P. returned to in school learning last week and has told me his teachers are not following these accommodations.

19. I am extremely nervous about M.P. returning to school for in person instruction and the thought that he might contract COVID-19. Recently, due to this stress, I have had difficulty sleeping and have experienced debilitating spells of anxiety. I don't know if I am doing the right thing, but I feel as though I have no choice in the matter.

20. M.P. is extremely scared to return to school; he is very afraid of getting sick and potentially dying.

21. S.P. has had heightened spells of anxiety and fear with his own return to school, but also fear of what might happen to his brother if he is exposed.

22. We also have a medically fragile family. I have Type II diabetes, which puts me at risk for severe illness if I were to get COVID-19 from my children.

23. I believe that if everyone was wearing a mask and the school was following the guidance and recommendations from the CDC, my children would be safe in school.

24. I am seeking to have HF847 blocked so that my school will be able to require universal masking as necessary to meet its obligations to my children.

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I swear under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated this 1st day of September 2021, at Des Moines, Iowa.

Heather Lynn Preston

Heather Lynn Preston, Plaintiff

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