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Fogle on behalf of P.F. v. Clay Elementary School–Southeast Polk Community School District

Supreme Court of Iowa - November 14, 2025 - N.W.3d - 2025 WL 3180128

Parents of elementary school student brought action alleging that school district, district superintendent, school principal, and teacher failed to protect student from bullying and harassment based on sexual orientation, in violation of Iowa Civil Rights Act (ICRA) and state tort law.

The District Court denied defendants' motion to dismiss, and they appealed.

The Supreme Court, held that:

- Iowa Municipal Tort Claims Act's (IMTCA) qualified immunity provision did not apply to parents' ICRA claim, and
- IMTCA's heightened pleading requirements did not apply to parents' tort claims.

Iowa Municipal Tort Claims Act (IMTCA) provision extending qualified immunity protection to municipal employees and officers and imposing heightened pleading requirements in such situations did not apply to parents' claim alleging that school district and its employees violated Iowa Civil Rights Act (ICRA) by failing to protect their child from bullying and harassment based on sexual orientation, notwithstanding IMTCA's broad definition of "tort"; applying IMTCA's procedural requirements to ICRA claims would be incompatible with exclusive legislative scheme for bringing ICRA claim.

Iowa Municipal Tort Claims Act (IMTCA) provision imposing heightened pleading requirements for claims against municipal employees and officers did not apply to parents' common law tort claims against school district and its employees arising from their failure to protect their child from bullying and harassment based on sexual orientation.

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