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IN THE SUPREME COURT OF IOWA

NO. 25-0516

JODI E. SAFRIS and MICHAEL A. SAFRIS, individually and as Co-Guardians and Co-Conservators for R.R.S., Plaintiff-Appellant,

vs.

URBANDALE COMMUNITY SCHOOL DISTRICT,
Defendant-Appellee.

APPEAL FROM THE IOWA DISTRICT COURT FOR POLK COUNTY
HON. SAMANTHA GRONEWALD, PRESIDING
CASE NO. LACL153362

URBANDALE COMMUNITY SCHOOL DISTRICT'S APPLICATION FOR FURTHER REVIEW

Respectfully submitted,

/s/ Janice M. Thomas

Janice M. Thomas AT0007822
Sarah E. Schleisman AT0015320
Ryan P. Tunink AT0014964
LAMSON DUGAN & MURRAY, LLP
6400 Westown Parkway, Suite 280
West Des Moines, IA 50266
Phone: (515) 513-5003
Email: jthomas@ldmlaw.com
rtunink@ldmlaw.com
sschleisman@ldmlaw.com
ATTORNEYS FOR DEFENDANT-APPELLEE
URBANDALE COMMUNITY SCHOOL DISTRICT

QUESTIONS PRESENTED FOR REVIEW

1. Did the Court of Appeals incorrectly interpret the standard of care school districts owe their students?

2. Did the Court of Appeals erroneously conclude that reversal was required after concluding the standard of care instruction deviated from the "prudent parent" standard?

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STATEMENT SUPPORTING FURTHER REVIEW

This Court should grant further review of the Court of Appeals' decision reversing a jury verdict for the Defendants following a two-week jury trial because the Court of Appeals' decision conflicts with existing precedent from the Iowa Supreme Court. *See* Iowa R. App. P. 6.1103(1)(b)(1). Specifically, the Court of Appeals erroneously concluded the jury instruction instructing the jury to consider whether Defendant utilized ordinary care was an inaccurate statement of law, instead concluding the instruction should have included the "prudent parent" standard. Contrary to the Court of Appeals' reasoning, *Doe v. Western Dubuque Cmty. Sch. Dist.*, 20 N.W.3d 798 (Iowa 2025) unequivocally explains the proper standard is simply ordinary care. The ordinary care instruction is similarly supported by the Restatement (Third) of Torts: Liability for Physical and Emotional Harm (hereinafter, "Restatement Third") which explains that even though schools have a special relationship with students, the standard of care remains ordinary care under the circumstances—exactly what the jury was instructed on. *See* Restatement Third § 40, cmt. D.

Further, to the extent the Supreme Court has not already firmly rejected the Court of Appeals interpretation of the standard of care, the Court of Appeals decided an important question of changing legal principals—namely, the nature of the duty owed by school districts to their students. Iowa R. App. P. 6.1103(1)(b)(3). The Court

of Appeals analyzed the issue as one of evolving legal standards between the Restatement Second of Torts and the Restatement Third. To the extent the Court of Appeals' general framing is correct, the bench and bar will benefit from guidance on the current standard of care owed by school districts to their students.

Finally, further review is appropriate to correct clear deficiencies in the Court of Appeals analysis. For instance, the Court of Appeals failed to analyze whether the instruction as given was cured by other instructions, including the marshalling instruction, Number 16. That instruction included seven specifications of fault, specifically providing the jury with the standards by which Plaintiff believed Urbandale should have behaved. Further, the Court of Appeals failed to consider that the jury found Urbandale breached the standard of care, making any error in that instruction harmless.

The unfortunate effects of the Court of Appeals' decision are manifold. The decision casts uncertainty on the appropriate standard of care school districts owe their students—an area of frequent litigation. The decision also suggests that any misstatements in jury instructions requires reversal, a holding that is directly contrary to long-standing Iowa authority. Finally, the decision invalidated a two-week jury trial without providing proper analysis of the legal issues or the facts of the case. For all those reasons, this Court should grant further review to correct the erroneous ruling.

DISCUSSION

I. THE COURT OF APPEALS ERRED BY CONCLUDING THE STANDARD OF CARE INSTRUCTION MISSTATED IOWA LAW, AND FURTHER ERRED BY FINDING ANY MISSTATEMENT REQUIRED REVERSAL.

While analyzing other issues raised on appeal, the Court of Appeals sole grounds for reversal was the erroneous conclusion that Instruction Number 17 misadvised the jury on the applicable standard of care school districts owe students.[1] When comparing Plaintiff's Proposed Instruction 23 and Jury Instruction 17, the primary difference is that Plaintiff's utilizes the standard of a "prudent parent" rather than a "reasonable person." *Compare* D0544, Jury Instructions, at p. 19 (11/8/2024) *with* D0397, Plts. Proposed Jury Inst., at p. 26 (10/14/2024). The Court of Appeals made three separate errors: (1) the appropriate standard under Iowa law is simply ordinary care under the circumstances, (2) to the extent ordinary care is not the appropriate phrasing, there is no material difference between ordinary care under the circumstances and the "prudent parent" standard, and (3) the Court of Appeals failed to consider whether the instructional error was harmless in light of the other jury instructions and the jury's ultimate verdict.

[1] The Court of Appeals' errors began far earlier, however, when it provided its interpretation of the background facts in a manner most favorable to Plaintiffs, rather than most favorable to the verdict. *See State v. Mathis*, 971 N.W.2d 514, 518 (Iowa 2022).

First, the ordinary care instruction was properly provided to the jury under existing Iowa law. This past term, the Iowa Supreme Court clarified that "the *in loco parentis* relationship" only "imposes a duty of *ordinary care* for the purposes of negligence." *Doe v. Western Dubuque Cmty. Sch. Dist.*, 20 N.W.3d 798, 811, 812 (Iowa 2025) (emphasis added). While that case was analyzing the issue to determine whether schools owe fiduciary duties to students—the Court determined no fiduciary relationship exists—its holding remains unambiguous: "[T]he in loco parentis relationship does not establish a fiduciary duty; instead, *it imposes a duty of ordinary care for the purposes of negligence*." *Id.* (emphasis added).

Indeed, the description of the legal duty enunciated in *Western Dubuque* is not novel. In *Brokaw v. Winfield-Mt. Union Cmty. Sch. Dist.*, the Court was clear that school districts simply owe "a duty of reasonable care." 788 N.W.2d 386, 390-91 (Iowa 2010). The Court clarified that, unlike traditional negligence, schools owe a duty not just with respect to their own conduct, but instead must utilize "reasonable care in providing for the safety of students from the harmful actions of fellow students, a teacher, or other third persons." *Id.* But that does not alter the requisite standard of care itself—reasonable care in under the circumstances. As the Restatement Third demonstrates, the standard of care remains one of ordinary care. *See* Restatement Third § 40, cmt. D ("The duty imposed requires only *reasonable* care under the circumstances."). That is exactly the standard of care the jury was

instructed on under Instruction Number 17. The Court of Appeals erred by concluding Instruction Number 17 misstated the law.

Secondly, the Court of Appeals decision appears premised on the omission of what it erroneously concluded were "magic words"—namely, "prudent parent." That analysis is clearly contrary to Iowa law. As an initial matter "not only does our law not require magic words for jury instructions, but such demanding word regimes are contrary to our declarations that the trial court 'need not instruct in a particular way so long as the subject of the applicable law is correctly covered.'" *Haskenhoff v. Homeland Energy Solutions*, 897 N.W.2d 553, 623 (Iowa 2017) (Appel, J. concurring); *see also Rivera v. Woodward Resources Ctr.*, 865 N.W.2d 887, 902 (Iowa 2014) (explaining courts "do not require perfection" when considering jury instructions). But more problematically, the Court of Appeals never explained what information the jury was missing from Instruction Number 17. Plaintiffs' Proposed Instruction Number 23 does not explain how a "prudent parent" should behave. Nor did the Court of Appeals.

In fact, of all the cases that indicate a school must act as a reasonably prudent parent, *not one* explained how that standard differs from ordinary care beyond the need to control third-parties, or how one can act as a reasonably prudent parent but not as a reasonable person under the circumstances. *See Godar v. Edwards*, 588 N.W.2d 701, 708 (Iowa 1999) (explaining schools are responsible for protecting

students from third-parties, but providing no different standard of care); *Ette ex rel. Ette v. Linn-Mar Cmty. Sch. Dist.,* 656 N.W.2d 62, 69 (Iowa 2002) (declining to apply the discretionary function immunity to decision to place child on 1100 mile bus trip home alone and only tangentially mentioning that schools must act as "a parent of ordinary prudence" to demonstrate a jury could weight school's decision-making absent a statutory immunity); *Dang ex rel. Dang v. Des Moines Cmty. Sch. Dist.*, No. 08-1578, 2009 WL 1708827 (Iowa Ct. App. June 17, 2009) (finding school district was immune under Iowa Code section 670.4(1)(*l*) for drowning death of student, and only referencing standard of care to clarify that immunities trump ordinary duties); *City of Cedar Falls v. Cedar Falls Cmty. Sch. Dist.*, 617 N.W.2d 11, 18 (Iowa 2000) (declining to extend immunity under Iowa Code section 670.4(1)(j) when injury was caused by students not under supervision of district); *A. Doe v. Cedar Rapids Cmty. Sch. Dist.*, 652 N.W.2d 439, 447 (Iowa 2002) (declining to apply discretionary function immunity).[2]

Instead, the "prudent parent" standard simply articulates the type of circumstances that are relevant when an adult is in charge of supervising children—the law wants that school to act as if they were responsible for the child. The Court

[2] The only time the Supreme Court has been asked to opine on whether a jury should have been instructed under the "prudent parent" standard rather than ordinary care standard, the Court passed on error preservation grounds. *See Anderson v. Webster City Cmty. Sch. Dist.*, 620 N.W.2d 263, 266 (Iowa 2000).

of Appeals' decision is akin to reversing a car accident verdict because the jury was instructed the driver needed to "drive with reasonable care under the circumstances" rather than as a "reasonable driver under the circumstances." It's a distinction without a difference. Indeed, the Court of Appeals has previously upheld an instruction requiring the jury to determine whether a school bus driver exercised "the care that an ordinary prudent bus operator would exercise," demonstrating the standard is nothing more than an articulation of the particular circumstance the school district is facing. *Delaney v. Bogs*, No. 14–2150, 2015 WL 7175815, at *16 (Iowa Ct. App. Nov. 12, 2015) (citing *Burton v. Des Moines Metropolitan Transit Authority,* 530 N.W.2d 696, 700 (Iowa 1995)).

The *only* difference between the "prudent parent" standard and the negligence standard provided to the jury is that schools owe a duty to protect students from harms from third-parties, which general negligence does not impose such a duty. *See Brokaw*, 788 N.W.2d at 390-91. But omitting that distinction does not warrant reversal in this case. Neither party ever suggested to the jury that if Urbandale did not commit the assaults itself, Urbandale would not be liable because it had no duty to control third-parties. The *entire case*, from opening arguments, to expert testimony, to closing arguments and instructions made clear to the jury that Urbandale could be liable if they failed to use ordinary care in protecting R.S. from other students. *See, e.g.*, *See* D0579, Trial Tr. Vol. III, 216:21-17:15 (6/10/2025);

D0571, Trial Tr. Vol. VII, 61:10-18 (6/10/2025) (wherein both standard of care experts testified schools owe a duty to protect students from third-party harms). The jury could not possibly have concluded otherwise. *See* Iowa R. Civ. P. 1.924 (requiring instructions only on "material issues in the case"). Without an instruction materially misleading the jury, no reversible error occurred. *Rivera*, 865 N.W.2d at 892.

The lack of meaningful distinction between the two instructions also leads into the Court of Appeals' third error: The Court completely failed to analyzed whether an instructional error was prejudicial. Reversal is only required prejudice resulted from the jury instruction. *Id.* Here, no prejudice occurred because, when read in the context of other instructions, the jury was fully informed of the issues it needed to decide and the applicable law. *State v. Coleman*, 907 N.W.2d 124, 134 (Iowa 2018) ("We do not consider an erroneous jury instruction in isolation, but look at the jury instructions as a whole.").

Specifically, Instruction Number 16 clarifies the duty owed by Urbandale. *See* D0544, at p. 17. That instruction provided seven specifications of fault for the jury to consider. Four of those specifications (A through D) expressly instructed the jury that Defendant would be at fault if they failed to use reasonable care in preventing K.O. or Plaintiff's other peers from harming her. D0544, at p. 17. Further, Specification F and Instruction 27 explain the duties schools have regarding

implementation and enforcement of IEPs and other policies—policies whose relevancy is to controlling K.O. and other students. D0544, at p. 30. Thus, to the extent one can quibble over whether Instruction 17 itself could have included more detail, any error was harmless because the jury was already instructed that Urbandale needed to control third-party conduct. *See Rivera*, 865 N.W.2d at 902-903.

Finally, even assuming Instruction Number 17 was defective in a manner that was not cured by other instructions, Plaintiffs cannot establish prejudice because they prevailed on the issue of standard of care and its breach. The jury determined Urbandale breached its standard of care, but that breach was not a cause of any injuries to Plaintiff. *See* D0545, Verdict (11/8/2024). Complaining of an instructional error on an element Plaintiff's prevailed on therefore resulted in no prejudice because it could not have altered the jury's no-causation findings.

II. NO OTHER GROUNDS FOR REVERSAL EXIST

While the Court of Appeals only reversed on the alleged instructional error, Plaintiffs raised four other points of error on appeal. The Court of Appeals declined to reach two of those issues, but did address (1) whether a probable cause finding by the Board of Educational Examiners from an unrelated incident was admissible and (2) whether Urbandale's standard of care expert improperly opined on legal conclusions. Because the Court of Appeals did not rest its ruling on either issue, Urbandale will not address those arguments in this Application. However, in the

event the Supreme Court grants further review, Urbandale maintains there were no grounds for reversal on any of the issues Plaintiffs raised in their appeal.

CONCLUSION

The Court of Appeals' decision misapplied Iowa law regarding the standard of care schools owe their students and erroneously concluded that, to the extent the jury was mis instructed, reversal was required even when the result was not prejudicial to Plaintiffs. Because the Court of Appeals committed legal error by reversing the jury's verdict, this Court should reverse the Court of Appeals and affirm the judgement of the jury.

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Iowa R. App. P. 6.1103(5) because this brief contains 2760 words, excluding parts of the brief exempted by Iowa R. App. P. 6.903(1)(i). This brief complies with the typeface requirements of Iowa R. App. P. 6.903(1)(g) and the type-style requirements of Iowa R. App. P. 6.903(1)(h) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font size in Times New Roman type style.

/s/ Janice M. Thomas

CERTIFICATE OF SERVICE

The undersigned certifies this brief was electronically filed and served on the 30th day of June, 2026, with the Iowa Clerk of the Supreme Court using the Electronic Document Management System, which will send notification of electronic filing (constituting service) to counsel of record.

/s/ Janice M. Thomas