

minority pupil ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

A parent or guardian, whose request has been denied because of a desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. By July 1, 2004, the ~~The~~ state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary ~~desegregation~~ diversity plans. The guidelines shall include criteria and standards that school districts must follow when developing a voluntary ~~desegregation~~ diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary ~~desegregation~~ diversity plan. A school district implementing a voluntary ~~desegregation~~ diversity plan prior to July 1, 2004 ~~2008~~, shall have until July 1, 2006 ~~2009~~, to comply with guidelines adopted by the state board pursuant to this section.

Approved April 11, 2008

CHAPTER 1072

FAMILY INVESTMENT PROGRAM — FAMILY DEVELOPMENT AND SELF-SUFFICIENCY COUNCIL AND GRANTS

H.F. 2328

AN ACT relating to services associated with the family investment program by moving the family development and self-sufficiency council and grant program to the department of human rights and revising confidentiality provisions involving the programs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 216A.107 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY — COUNCIL AND GRANT PROGRAM.

1. A family development and self-sufficiency council is established within the department of human rights. The council shall consist of the following persons:

- a. The director of the department of human services or the director's designee.
- b. The director of the department of public health or the director's designee.
- c. The administrator of the division of community action agencies of the department of human rights or the administrator's designee.
- d. The director of the school of social work at the university of Iowa or the director's designee.
- e. The dean of the college of human sciences at Iowa state university or the dean's designee.

- f. Two recipients or former recipients of the family investment program, selected by the other members of the council.
 - g. One recipient or former recipient of the family investment program who is a member of a racial or ethnic minority, selected by the other members of the council.
 - h. One member representing providers of services to victims of domestic violence, selected by the other members of the council.
 - i. The head of the department of design, textiles, gerontology, and family studies at the university of northern Iowa or that person's designee.
 - j. The director of the department of education or the director's designee.
 - k. The director of the department of workforce development or the director's designee.
 - l. Two persons representing the business community, selected by the other members of the council.
 - m. Two members from each chamber of the general assembly serving as ex officio, nonvoting members. The two members of the senate shall be appointed one each by the majority leader and the minority leader of the senate. The two members of the house of representatives shall be appointed one each by the speaker and the minority leader of the house of representatives.
2. Unless otherwise provided by law, terms of members, election of officers, and other procedural matters shall be as determined by the council.
 3. The family development and self-sufficiency council shall do all of the following:
 - a. Identify the factors and conditions that place Iowa families at risk of dependency upon the family investment program. The council shall seek to use relevant research findings and national and Iowa-specific data on the family investment program.
 - b. Identify the factors and conditions that place Iowa families at risk of family instability. The council shall seek to use relevant research findings and national and Iowa-specific data on family stability issues.
 - c. Subject to the availability of funds for this purpose, award grants to public or private organizations for provision of family development services to families at risk of dependency on the family investment program or of family instability. Not more than five percent of any funds appropriated by the general assembly for the purposes of this lettered paragraph may be used for staffing and administration of the grants. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:
 - (1) Designation of families to be served that meet one or more criteria for being at risk of dependency on the family investment program or of family instability, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include but are not limited to factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the grant.
 - (2) Designation of the services to be provided for the families served, including assistance regarding job-seeking skills, family budgeting, nutrition, self-esteem, methamphetamine education, health and hygiene, child rearing, child education preparation, and goal setting. Grant proposals shall indicate the support groups and support systems to be developed for the families served during the transition between the need for assistance and self-sufficiency.
 - (3) Designation of the manner in which other needs of the families will be provided for, including but not limited to child care assistance, transportation, substance abuse treatment, support group counseling, food, clothing, and housing.
 - (4) Designation of the process for training of the staff which provides services, and the appropriateness of the training for the purposes of meeting family development and self-sufficiency goals of the families being served.
 - (5) Designation of the support available within the community for the program and for meeting subsequent needs of the clients, and the manner in which community resources will be made available to the families being served.
 - (6) Designation of the manner in which the program will be subject to audit and to evaluation.

(7) Designation of agreement provisions for tracking and reporting performance measures developed pursuant to paragraph “d”.

d. Develop appropriate performance measures for the grant program to demonstrate how the program helps families achieve self-sufficiency.

e. Seek to enlist research support from the Iowa research community in meeting the duties outlined in paragraphs “a” through “d”.

f. Seek additional support for the funding of grants under the program, including but not limited to funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

g. Make recommendations to the governor and the general assembly on the effectiveness of programs in Iowa and throughout the country that provide family development services that lead to self-sufficiency for families at risk of welfare dependency.

4. a. The division shall administer the family development and self-sufficiency grant program. The department of human services shall disclose to the division confidential information pertaining to individuals receiving services under the grant program, as authorized under section 217.30. The division and the department of human services shall share information and data necessary for tracking performance measures of the family development and self-sufficiency grant program, for referring families participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program under section 239B.17 and related activities and programs to the grant program, and for meeting federal reporting requirements. The division and the department of human services may by mutual agreement, as specified in the memorandum of agreement entered into in accordance with paragraph “b”, add to or delete from the initial shared information items listed in this lettered paragraph. The initial shared information shall include but is not limited to all of the following:

(1) Family enrollments and exits to and from each of the programs.

(2) Monthly reports of individual participant activity in PROMISE JOBS components that are countable work activities according to federal guidelines applicable to those components.

(3) Aggregate grant program participant activity in all PROMISE JOBS program components.

(4) Work participation rates for grant program participants who were active family investment program participants.

(5) The average hourly wage of grant program participants who left the family investment program.

(6) The percentage of grant program participants who exited from the grant program at or after the time family investment program participation ended and did not reenroll in the family investment program for at least one year.

b. The division shall develop a memorandum of agreement with the department of human services to share outcome data and coordinate referrals and delivery of services to participants in the family investment program under chapter 239B and the grant program and other shared clients and shall provide the department of human services with information necessary for compliance with federal temporary assistance for needy families block grant state plan and reporting requirements, including but not limited to financial and data reports.

c. To the extent that the family development and self-sufficiency grant program is funded by the federal temporary assistance for needy families block grant and by the state maintenance of efforts funds appropriated in connection with the block grant, the division shall comply with all federal requirements for the block grant. The division is responsible for payment of any federal penalty imposed that is attributable to the grant program and shall receive any federal bonus payment attributable to the grant program.

d. The division shall ensure that expenditures of moneys appropriated to the department of human services from the general fund of the state for the family development and self-sufficiency grant program are eligible to be considered as state maintenance of effort expenditures under federal temporary assistance for needy families block grant requirements.

e. The commission shall consider the recommendations of the council in adopting rules pertaining to the grant program.

f. The division shall submit to the governor and general assembly on or before November 30 following the end of each state fiscal year, a report detailing performance measure and outcome data evaluating the family development and self-sufficiency grant program for the fiscal year that just ended.

Sec. 2. Section 217.30, subsection 4, paragraph d, Code 2007, is amended to read as follows:

d. ~~The~~ If approved by the director of human services or the director's designee pursuant to a written request, the department ~~may~~ shall disclose information described in subsection 1 to other state agencies or to any other person who is not subject to the provisions of chapter 17A and is providing services to recipients under chapter 239B who are participating in the promoting independence and self-sufficiency through employment job opportunities and basic skills program, if necessary for the recipients to receive the services.

Sec. 3. Section 232.69, subsection 1, paragraph b, subparagraph (5), Code Supplement 2007, is amended to read as follows:

(5) An employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program under section ~~217.12~~ 216A.107, or healthy opportunities for parents to experience success – healthy families Iowa program under section 135.106.

Sec. 4. Section 239B.8, subsection 2, paragraph e, Code Supplement 2007, is amended to read as follows:

e. FAMILY DEVELOPMENT. Participation in a family development and self-sufficiency grant program under section ~~217.12~~ 216A.107 or other family development program.

Sec. 5. Section 239B.8, subsection 6, Code Supplement 2007, is amended to read as follows:

6. CONFIDENTIAL INFORMATION DISCLOSURE. ~~The~~ If approved by the director of human services or the director's designee pursuant to a written request, the department ~~may~~ shall disclose confidential information described in section 217.30, subsection 1, to other state agencies or to any other entity which is not subject to the provisions of chapter 17A and is providing services to a participant family who is subject to a family investment agreement, if necessary in order for the participant family to receive the services. The department shall adopt rules establishing standards for disclosure of confidential information if disclosure is necessary in order for a participant to receive services.

Sec. 6. Section 217.11, Code 2007, and section 217.12, Code Supplement 2007, are repealed.

Sec. 7. CONTINUATION OF COUNCIL AND GRANT PROGRAM.

1. The membership of the family development and self-sufficiency council established pursuant to section 217.11, Code 2007, as of June 30, 2008, shall continue on and after that date until revised by the council in accordance with section 216A.107, as enacted by this Act.

2. The family development and self-sufficiency grants issued pursuant to sections 217.11 and 217.12 and 441 IAC ch. 165, in effect as of June 30, 2008, shall continue as provided by the terms of the grants.

3. The division of community action agencies shall administer the family development and self-sufficiency grant program in accordance with the administrative rules pertaining to the grant program in 441 IAC ch. 165, in place of the department of human services until replacement administrative rules are adopted. The commission on community action agencies may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with

this subsection shall also be published as a notice of intended action as provided in section 17A.4.

Approved April 11, 2008

CHAPTER 1073

ELECTRONIC BENEFITS TRANSFER UNDER FOOD ASSISTANCE PROGRAM

H.F. 2372

AN ACT limiting the scope of the electronic benefits transfer program maintained by the department of human services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 234.1, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 3A. "Food assistance program" means the benefits provided through the United States department of agriculture program administered by the department of human services in accordance with 7 C.F.R. pts. 270-283.

Sec. 2. Section 234.12A, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department of human services shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the food assistance program. The electronic benefits transfer program implemented under this section shall at a minimum provide for all of the following:

Sec. 3. Section 234.12A, subsection 3, Code 2007, is amended to read as follows:

3. For the purposes of this section, "retailer" means a business authorized by the United States department of agriculture to accept food stamp assistance program benefits.

Approved April 11, 2008

CHAPTER 1074

INSURANCE — MISCELLANEOUS CORRECTIONS AND REPEALS

H.F. 2383

AN ACT making nonsubstantive corrections to certain provisions relating to insurance and making repeals.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 507B.4, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. STATEMENT OF CAPITAL AND SURPLUS. In the case of a foreign company transact-