

**Iowa  
Commission  
on the  
Status of Women**

State of Iowa  
Department of Human Rights

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*33<sup>rd</sup> Annual Report*

**February 1, 2005**

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February 1, 2005

The Honorable Thomas J. Vilsack  
The Honorable Sally J. Pederson  
Members of the 81<sup>st</sup> General Assembly  
State Capitol Building  
Des Moines, IA 50319

Dear Governor Vilsack, Lieutenant Governor Pederson, and Members of the 81<sup>st</sup> General Assembly:

At the end of every year, the Iowa Commission on the Status of Women (ICSW) reviews its accomplishments.

The ICSW is proud of the past year's achievements, and pleased to present to you our 33<sup>rd</sup> Annual Report. The following pages detail the activities and programs that were carried out in 2004.

The ICSW celebrates the progress in women's rights that has been made in Iowa, and continues to address inequities, advocating for full participation by women in the economic, social, and political life of the state. In this advocacy role, as mandated by the Code of Iowa, we educate, inform, and develop new ideas to bring a fresh viewpoint to bear on the issues facing Iowa women and their families.

If you are interested in any of our concerns and issues, please call or write the ICSW at 515/281-4461 or [dhr.icsw@iowa.gov](mailto:dhr.icsw@iowa.gov), go to our website at [www.state.ia.us/dhr/sw](http://www.state.ia.us/dhr/sw), or stop by the Commission office in the Lucas Building, and we will be happy to discuss them with you.

On behalf of our Commissioners and the staff, I thank Governor Vilsack, Lt. Governor Pederson, and Members of the General Assembly for the commitment you have shown to improving the status of women by funding our Commission and passing legislation that helps Iowa women.

We look forward to working with you in 2005.

Sincerely,



Kimberly A. Painter  
Chairperson

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## **Vision Statement**

The Iowa Commission on the Status of women (ICSW) envisions full participation by women in the economic, political and social life of the state.

## **Mission Statement**

The ICSW promotes equality for Iowa women through study and recommendations for legislative and administrative action, public information and education, and development of programs and services.

## **Core Function**

Advocacy

## SECTION 1: Commission

*The Iowa Commission on the Status of Women (ICSW) is a state agency that seeks to assure equality for Iowa women. The ICSW advocates for Iowa women, working to equalize their opportunities and to promote full participation by women in the economic, political, and social life of the state. Established in 1972 by the Iowa Legislature, the ICSW is composed of nine citizens appointed by the Governor and confirmed by the Senate. Two members of the Senate, two members of the Iowa House of Representatives, and the Director of the Department of Human Rights serve ex-officio.*

### 2004 COMMISSION

*Commission terms for citizen members and legislators are four years.*

#### Citizen Commissioners

**Judge Brown, Jr.**, Fort Dodge  
term expired April 30, 2004

**Vicki Brown, Treasurer**, Oskaloosa  
term expires April 30, 2006

**Angelica Cardenas-Chaisson**, Des Moines  
term expires April 30, 2006

**Francis Giunta**, Dubuque  
term expires April 30, 2008

**Holly Mennen-Sagar**, Des Moines  
term expires April 30, 2008

**Shawn Mullen**, Des Moines  
term expired April 30, 2004

**Sue B. Mullins**, Corwith  
term expires April 30, 2006

**Kimberly Painter, Chair**, Iowa City  
term expires April 30, 2008

**Michael Whitlatch**, Storm Lake  
term expires April 30, 2008

**Matthew Wissing, Vice-Chair**, Davenport  
term expires April 30, 2006

**Dr. Ruth White**, *ex officio*,  
Department of Human Rights Director

#### Legislative Commissioners, *ex officio*

**Representative O. Gene Maddox**, Clive  
term expires December 31, 2006

**Representative Mary Mascher**, Iowa City  
term expired June 30, 2004

**Senator Jack Holveck**, Des Moines  
term expired December 31, 2004

**Senator Maggie Tinsman**, Davenport  
term expires January 31, 2005

#### Commission Meetings

The ICSW meets at least six times a year. All meetings are accessible and open to the public. 2004 meetings were:

##### February 3

Lucas State Office Building, Des Moines

##### April 6

Justice Building, Des Moines

##### May 4

Lucas State Office Building, Des Moines

##### August 21

Younkers Tea Room, Des Moines

##### October 26

Urbandale Public Library, Urbandale

##### December 7

State Capitol, Des Moines

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## Section 1

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### 2004 Committees

#### Executive Committee

Kimberly Painter, Chair (January - April)  
Shawn Mullen, Vice Chair  
Vicki Brown, Treasurer

Kimberly Painter, Chair (May - December)  
Matt Wissing, Vice Chair  
Vicki Brown, Treasurer

#### Finance

Vicki Brown, Chair (January - April)  
Shawn Mullen  
Matt Wissing

Vicki Brown, Chair (May - December)  
Sue Mullins  
Mike Whitlatch

#### Friends of the Iowa Commission on the Status of Women Board of Directors

Kimberly Painter (January - April)  
Shawn Mullen  
Vicki Brown  
Judge Brown  
Holly Mennen-Sagar  
Suzanne O'Dea Schenken, President  
Michelle Durand-Adams, Treasurer  
Janis Anderson

Kimberly Painter (May - December)  
Matt Wissing  
Vicki Brown  
Angelica Cardenas-Chaisson  
Holly Mennen-Sagar  
Janis Anderson, President  
(served November and December)  
Suzanne O'Dea Schenken, President  
(served until October)  
Michelle Durand-Adams, Treasurer  
Debra Storey Salowitz

#### Iowa Women's Hall of Fame

Holly Mennen-Sagar, Chair  
Kimberly Painter, *ex officio*  
Angelica Cardenas-Chaisson  
Vicki Brown  
Beverly Bunker  
Julie Ripper

#### Iowans in Transition Grant Reviews and Selection

Vicki Brown, Chair  
Tim Fitzpatrick  
Lora Kelly-Benck  
Kile Scharf Beisner

#### Nominating Committee

Francis Giunta, Chair (January - April)  
Sue Mullins

Holly Mennen-Sagar, Chair (May - December)  
Angelica Cardenas-Chaisson  
Mike Whitlatch

#### Legislative

Matt Wissing, Chair (January - April)  
Francis Giunta  
Sue Mullins  
Vicki Brown  
Senator Jack Holveck  
Senator Maggie Tinsman  
Representative Gene Maddox  
Representative Mary Mascher

Matt Wissing, Chair (May - December)  
Vicki Brown  
Francis Giunta  
Sue Mullins  
Senator Jack Holveck  
Senator Maggie Tinsman  
Representative Gene Maddox  
Representative Mary Mascher

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## Section 1

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### **Program and Planning** (January - April)

Francis Giunta, Chair

Judge Brown

Sue Mullins

(May - December)

Sue Mullins, Chair

Angelica Cardenas-Chaisson

Matt Wissing

### **Public Information** (January - April)

Shawn Mullen, Chair

Francis Giunta

Holly Mennen-Sagar

Matt Wissing

(May - December)

Francis Giunta, Chair

Mike Whitlatch

Matt Wissing

### **Staff Members**

**Executive Director:** Charlotte Nelson has served as administrator of the Division on the Status of Women within the Department of Human Rights since her appointment by the Commission and Governor Branstad in February 1985. She was reappointed by the Governor Branstad in 1991 and 1995 and by Governor Vilsack in 1999 and 2003.

**Administrative Assistant 2:** Ellen Failor assumed this position in October 1990.

**Program Planner 2:** Lori M. SchraderBachar, coordinator of publications and special projects, has served since August 1999.

**Challenge Grant Appointment:** Kathy Nesteby assumed the position in November 2002.

**Interns:** Lynn Treangen, Grand View College, spent the spring semester working on earned income tax credit outreach.

Amy Ettinger, Iowa State University, worked during the summer researching *pro se* divorce and maternity/paternity leave in other countries.

Brenna Vogel, University of Northern Iowa, worked during the summer on a list of Iowa women firsts.

Tiffany Bandow, University of Iowa School of Social Work Master's Program, researched the attitudes of college-aged women in Iowa during the fall and winter.

## Section 1

### Funding History

Funding for the Iowa Commission on the Status of Women is awarded annually by the General Assembly and Governor. A review of the state appropriation over several years, including pass-through grants, is as follows:

<u>Fiscal Year</u>	<u>Appropriation</u>	<u>Operating Budget</u>
FY 1998	\$328,900	\$161,125
FY 1999	\$335,804	\$168,029
FY 2000	\$419,505	\$187,531
FY 2001	\$426,464	\$185,964
FY 2002	\$400,996*	\$203,996
FY 2003	\$333,415*	\$191,392
FY 2004	\$337,918*	\$205,918
FY 2005	\$329,529	\$211,529

\*Reductions resulted in an actual FY 2002 budget of \$398,426, FY 2003 budget of \$327,392 and FY 2004 budget of \$329,530.

### Income Statement

<u>Revenue</u>	<u>FY 2004 Actual</u>	<u>FY 2005 Budget</u>
State Appropriation	\$329,530.00	\$329,529.00
Sales	72.00	100.00
Calendar Support	950.00	--
Budget Reduction Refund	838.00	--
 <u>Expenses</u>		
Personnel Services	\$175,047.21	\$191,965
In-State Travel	3,652.16	4,000.00
Out-of-State Travel	101.29	--
Office Supplies	5,065.29	4,235.00
Equipment Maintenance	--	40.00
Other Supply	543.29	230.00
Printing	4115.28	4,500.00
Postage	1,708.08	2,000.00
Communication	1,986.47	2,500.00
Rentals	--	100.00
Outside Services	132,835.00	118,038.00
Reimburse IDOP	117.12	71.00
ITS Reimbursement	1,551.15	1,700.00
DP Non-Inventory	4,615.69	250.00
 Reverted Money	 \$51.97	

## Section 2: Programs and Projects

*The Iowa Commission on the Status of Women (ICSW) works on numerous projects and programs in seeking to advance the status of women in the economic, political, and social life of the state. It collects employment related information and works toward pay equity; monitors legislation and strives to equalize women's participation in policy-making positions in the government and private sectors; and recognizes Iowa leaders through the Iowa Women's Hall of Fame, the Write Women Back Into History Essay Contest, and the Cristine Wilson Medal for Equality and Justice.*

### ECONOMIC LIFE

*The ICSW strives to improve Iowa women's tenuous economic status by conducting various employment-related programs and studies to assist women statewide to work to achieve pay equity.*

In 1999, Iowa women made just 73 cents for every \$1 men made. Sixty-four percent of women made \$25,000 or less, while 67 percent of men made \$25,000 or more. This wage disparity

reflects the occupational choices of males and females, the wage differences between male- and female-dominated jobs, and the gender pay gap that exists in many of the same occupations.

Both women's and men's wages would rise if wage discrimination were corrected. Workers, whether men or women, in female-dominated jobs – such as receptionists, secretaries, nurse aides, and child care providers – are paid less than workers in similar jobs not dominated by women.

### CONCENTRATION OF WORKERS IN JOBS, IOWA, 2004\*

<u>OCCUPATION</u>	<u>%MALE</u>	<u>AVERAGE HOURLY WAGE</u>	<u>OCCUPATION</u>	<u>%FEMALE</u>	<u>AVERAGE HOURLY WAGE</u>
1) Bus/Truck Mechanic	99.6%	\$15.71	1) Dental Hygienist	99.1%	\$25.45
2) Heavy Vehicle Mechanic	99.3%	\$15.91	2) Dental Assistant	99.0%	\$13.13
3) Mechanic/Repairer	99.2%	\$11.13	3) Pre-K/Kindergarten Teacher	98.7%	\$11.65
4) Cement Mason/Finisher	99.2%	\$13.92	4) Secretary	97.7%	\$13.12
5) Automobile Mechanic	98.8%	\$14.03	5) Child Care Worker	96.8%	\$ 7.47
6) Construction Supervisor	98.6%	\$21.70	6) Registered Nurse	95.7%	\$20.34
7) Plumber	98.5%	\$18.46	7) Licensed Practical Nurse	95.4%	\$14.67
8) Carpenter	98.4%	\$15.05	8) Paralegal/Legal Asst.	95.1%	\$18.35
9) Electrical Worker	98.3%	\$21.84	9) Hairdresser/Cosmetologist	95.1%	\$10.38
10) Brickmason	98.0%	\$17.18	10) Typist	94.9%	\$11.87

***\*Ten jobs held primarily by women pay a weighted average of \$13.79 an hour, compared to \$16.52 paid by ten jobs held primarily by men—a difference of \$2.73 per hour, or \$109.20 per week.***

SOURCE: Labor Market Information Bureau, Iowa Workforce Development

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## Section 2

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Differences in pay scales among occupations that are dominated by one gender or the other contribute to pay inequities as seen in the graph above.

### **Wage/Benefits Studies**

**Wage Survey:** In 1993, the ICSW initiated a Department of Employment Services study on gender-wage disparity in Iowa. That report revealed, among other things, that Iowa women, on average, made 68 cents per dollar that Iowa men made. In 1999, the ICSW requested that Iowa Workforce Development conduct research to replicate the 1993 study. The results of the updated study, released in 2000, showed that women, on average, earned 73 cents per dollar that Iowa men made. The study also found that 64 percent of women earned annual wages of \$25,000 or less, while 67 percent of males earned \$25,000 or more. Nationally, women earned 76 cents for every dollar a man made in 2003.

**Iowa Certified Nursing Assistant Wage and Benefits Survey:** A statewide wage and benefits survey of Iowa Certified Nurse Assistants (CNAs) was released in June 2001, showing that Iowa CNAs are underpaid – 96 percent earned less than \$12 per hour, with the median wage being \$9.16. In 2004, as part of the Iowa Better Jobs Better Care Coalition, another statewide wage and benefit survey was conducted. In addition to Certified Nursing Assistants, Pool Workers and Home Care Workers were also surveyed. The 2004 survey showed that 96% of CNAs were women. The median wage increased to \$10.55. Eighty-two percent earned less than \$12. Twenty-five percent of respondents have no health insurance, compared to 14 percent of all Iowans.

**Contingency Workers Study:** The ICSW initiated a study of contingency workers' wages

with Boddy Media Group in late 2000. The study, which was released in December 2001, reported the impact on women of contingency jobs, such as temporary, part-time, and contractual work, usually with few or no benefits and no job security. It found that two-thirds of Iowa's contingency workers are female. A typical contingency worker is most likely to be urban, single, parenting pre-school age children, have no more than a high-school education and work in sales/marketing. Forty-one percent earn \$10.99 per hour or less and 57 percent receive no benefits.

### ***Follow-up to Employees' Wages and Benefits: Domestic Violence and Sexual Assault Projects 1997 Report and Recommendations:***

In 1997, the ICSW conducted a study of the wages and benefits of employees in domestic violence/sexual assault projects (dv/sa) across the state. The study revealed significantly low wages across the board, with many employees living at, below, or barely over the poverty line. Because of the increase over the past several years in federal and state monies available to dv/sa projects, the ICSW made, in its report on the study, wage recommendations for specific job descriptions, using comparable jobs in state government as a comparison. The response was overwhelming. In a 1998 ICSW follow-up to the study, the Commission's study was credited for approximately \$112,000 in pay increases in dv/sa jobs statewide. This study and follow-up survey continue to be distributed and influence wages and benefits for employees in dv/sa projects not only in Iowa but across the United States. In 2004, the ICSW updated the wage ranges.

### **Pay Equity Initiatives**

**Equal Pay Day:** The ICSW commemorated Equal Pay Day on Tuesday, April 20, 2004, which symbolized the day when women's wages

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## Section 2

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catch up to men's wages from the previous week. Because women earn less, on average, they must work nearly seven days to earn what the average man would earn in five.

### Publications

***How to Get Your Bearings - How to Get a Job:*** The guide, for Iowa women who are looking for a job or who are seeking a better job, includes information on how to write a resume, conduct an interview, obtain personal counseling if needed, fix a car, find housing, etc. Containing one-third more information than previous editions, the guide, revised by Dr. Judith Anne Conlin, is distributed primarily through the displaced homemaker programs and Family Development and Self-Sufficiency programs across the state. Funding for the guide was provided by Iowa Workforce Development and the Carl D. Perkins Applied Technology and Vocational Education Act.

### Videos

***Exploring Nontraditional Occupations for Women: Is This Job for You?:*** This informative 12-minute video (also available with closed captioning) illustrates Iowa women in nontraditional occupations with an emphasis on the skilled trades, apprenticeship and vocational-technical careers. The video is available for both loan and purchase.

### ***Show Me The Money: Paycheck Negotiation Workshop: Paycheck Negotiation***

**Workshop:** In order to help address wage disparity, a paycheck negotiation workshop was held in November 2001 to give women the tools to negotiate for higher compensation when they are offered employment or at an annual/performance review. The workshop, Show Me The Money, consisted of a panel presentation, role playing, pension planning and a question and

answer session. A video of the workshop was produced and is available to borrow free of charge.

### POLITICAL LIFE

***While the ICSW works hard at eliminating the "sticky floor"--women who are stuck in low-paying jobs with few benefits and opportunities for advancement--it also recognizes the need to break the "glass ceiling" in government and private sector policy-making positions. In addition, the ICSW annually researches, submits, and advocates for a program of Proposals to the Governor and General Assembly. It also follows legislation pertinent to women and, in particular, those bills that relate to its Proposals. The Executive Director of the ICSW is registered as a lobbyist to the Iowa Legislature and Executive Branch.***

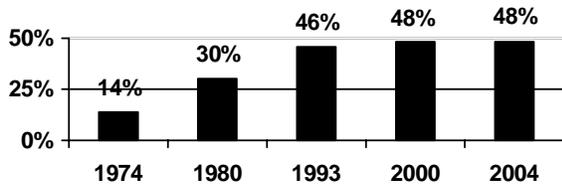
### Roster of Qualified Women

In 1970, the Governor's Commission on the Status of Women assumed responsibility for developing a roster of Iowa women qualified for appointments to paid and volunteer positions on state boards and commissions. When the Commission was made statutory in 1972, it continued to develop the roster and to submit names for the Governor's consideration in making appointments. Appointment resume forms are provided upon request; they include biographical information, educational background, work experience, organizations, and information on areas of interest. Each year it advertises the availability of appointment resumes in the *IoWoman*, the Friends of ICSW newsletter that is sent to 8,600 organizations and individuals statewide. The Roster of Qualified Women has contributed significantly to the expanding role of women in government. Since the need was perceived and the Roster was developed, the

## Section 2

number of appointments of women has increased dramatically. Since 1987, gender balance on boards and commissions has been mandated, a legislative change for which the Commission advocated.

**PERCENTAGE OF FEMALES ON STATE BOARDS AND COMMISSIONS, IOWA, 1974-2004**

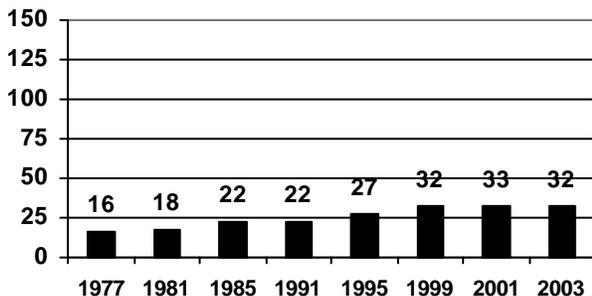


SOURCE: Office of the Governor

### Women in Public Office

Since the first year in which a woman was elected to the Iowa General Assembly in 1929, the total percentage of women legislators has increased from .6 percent to 21.3 percent in 2003.

**FEMALES IN THE GENERAL ASSEMBLY, IOWA, 1977-2003**



Even with this increase, women, who total 50.9 percent of Iowa's population, represent about one-fifth of the General Assembly. Seven women served as Senators, while 25 served as Representatives in 2003. Only four women of color have served in the Iowa General Assembly. Furthermore, few Iowa women have served as elected state officials. Iowa is one of the two

**Figure 6.5  
FEMALE ELECTED OFFICIALS  
IOWA, THROUGH SEPTEMBER 2004**

OFFICE	# OF MALES	# OF FEMALES
Governor	39	0
Lieutenant Governor	41	3
Secretary of State	25	3
Treasurer	25	0
Auditor	30	0
Secretary of Agriculture	13	1
Attorney General	31	1

SOURCE: Iowa Official Register

states that have never elected a woman as governor or as a member of Congress.

In the November 2004 elections, 38 women filed papers to run for state office and one ran for Congress. Of those, 27 won the election (2 in the Senate and 25 in the House). The woman running for Congress did not win. A total of 30 women (20 percent) will serve in the 81st General Assembly, beginning in January 2005.

### Legislative Summary

Following is a summary of 2004 legislation tracked by the ICSW following the 2004 Proposals to the Governor and the General Assembly.

On March 3, 2004, the Senate confirmed appointment of the following commissioners: Angelica Cardenas-Chaisson of Des Moines to finish a term until April 30, 2006; Michael Whitlatch of Storm Lake to begin serving a term May 1, 2004 through April 30, 2008; and reappointment for Francis Giunta of Dubuque and Kimberly Painter of Iowa City for terms running from May 1, 2004 through April 30, 2008.

On April 5, 2004, the Senate confirmed the reappointment of Holly Mennen-Sagar of Des Moines for a term running from May 1, 2004 through April 30, 2008.

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## Section 2

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### **ICSW SUPPORTED**

**HF2391** clarified who is a mandatory reporter of dependent adult abuse.

Died in Human Resources.

**HF2339** expanded definition of person who may commit dependent adult abuse.

Died in Judiciary subcommittee.

### **ICSW SUPPORTED**

**HF227** required registration if a person provides childcare to a child for more than four hours per day on a regular basis; DHS was to develop standards for providing qualifications and training, program quality, and provider history of compliance with standards, capacity, fire safety, and other requirements. (Under current law, a child care home may provide child care to five or fewer children at any one time with registration as optional; also requires registration if providing care to six or more children at any one time.)

Died in Human Resources.

**SSB1071** and **HSB117** Child Care Employee Benefits Act provided tax incentives to businesses that made expenditures to provide child care benefits to employees.

Died without becoming a bill in either chamber.

### **ICSW PRIORITY**

**HF2163** raised the state's hourly minimum wage to \$5.65 as of January 1, 2005 and to \$6.15 as of January 1, 2006. (\$5.65 full-time is an annual salary of \$11,752 and \$6.15 full-time is \$12,792 annually. Federal poverty guidelines released February 7, 2003 list a parent with one child in poverty at \$12,120 annually.)

Died in Commerce.

**HF29** raised minimum wage to \$5.65 beginning January 1, 2004, and to \$6.15 beginning January 1, 2005.

Died in Commerce, Regulation and Labor subcommittee.

**SF419** put the state's hourly minimum wage rate at \$1 more than the generally applicable current federal minimum wage rate.

Died in Business and Labor Relations subcommittee.

### **ICSW SUPPORTED**

**SF254** provided that a person or employer shall not discriminate in providing compensation for work of comparable worth between jobs predominately held by women and men. The bill defined "comparable worth" as being the value of work as measured by the skill, effort, responsibility, and working conditions involved in performing the work.

Died in Business and Labor Relations subcommittee.

**SF255** created a new Code chapter governing wage discrimination: unlawful for an employer to pay wages that discriminate between employees based on sex, race, or national origin unless the differences are due to a valid factor unrelated to sex, race, or national origin; unlawful for an employer to take action against a person exercising their rights pursuant to this new chapter; required employers, on an annual basis, to provide employees with information on how the employees' wage is calculated; permitted an affected employee to maintain an action against an employer who violates this chapter and to obtain damages, seek an injunction, and be awarded witness and attorney fees and costs.

Died in Business and Labor Relations subcommittee.

**HF451** created a chapter governing wage discrimination; provides that an employer shall not pay wages that discriminate between employees based on sex, race, or national origin unless the differences are due to a valid factor unrelated to sex, race, or national origin.

Died in Commerce, Regulations and Labor.

## Section 2

### **ICSW OPPOSED**

**SF159** abolished the targeted small business financial assistance program.

Died in Economic Growth subcommittee.

### **ICSW SUPPORTED**

**HF2105** established a program to provide financial (\$15,000) and technical assistance (\$5,000) to early stage industry companies being established by women entrepreneurs.

Died in Economic Growth subcommittee.

### **ICSW SUPPORTED**

**HF119** provided that it is an unfair employment practice under the Iowa civil rights act to discriminate against any employee or applicant for employment because that person has exercised the person's rights under the federal Family and Medical Leave Act.

Died in Commerce, Regulation and Labor subcommittee.

**SF214** that read the same as HF119.

Died in Business and Labor subcommittee.

### **ICSW SUPPORTED**

**SR18** requested that the Legislative Council establish an interim committee to review the economic, fiscal, and social impact of the establishment of a living wage in Iowa.

Died in Rules and Administration.

### **ICSW SUPPORTED**

**HF2504** (formerly HF2022) provided a statute of limitations relative to a judgment of distribution of marital assets involving fraud.

Died in Judiciary.

### **ICSW SUPPORTED**

**SCR104** would authorize an interim committee on curbing predatory lending practices.

Died in Rules and Administration.

### **ICSW SUPPORTED**

**SF2039** provided that the Iowa State Fair Board composition will be gender balanced.

Died in State Government subcommittee.

### **ICSW SUPPORTED**

**SF33** defined "sexual orientation" exactly like **SF105**; cosponsors were added and a different Senate committee was assigned to process the second bill. (City ordinances prohibiting discrimination based on sexual orientation are in effect in Ames, Cedar Rapids, Davenport, Des Moines, and Iowa City.)

Died in State Government subcommittee.

**SF105** defined "sexual orientation" and prohibits discriminatory employment, public accommodation, housing, education, and credit practices based upon a person's sexual orientation. However, the bill does allow for the imposition of qualifications by bona fide religious institutions based upon sexual orientation if related to a bona fide religious purpose.

Died in Human Resources subcommittee.

**HF270** defined "sexual orientation" and prohibits discriminatory employment, public accommodation, housing, education, and credit practices.

Died in Judiciary.

### **ICSW SUPPORTED**

**HF540** provided pilot projects for health insurance for individuals and group health insurance for small employers and nonprofit entities by the division of insurance, department of commerce, to examine methods of improving availability and affordability. Specific groups for pilot project focus are individuals, small businesses, nonprofit entities, and child day care centers.

Died in Commerce, Labor and Regulation.

## Section 2

**HF2445** created a Healthy Iowa For All program.

Died in Commerce, Regulations and Labor.

### **ICSW SUPPORTED**

**HF136** added benefits to the health program benefit package of the healthy and well kids in Iowa program including care coordination, dental services, mental health and substance abuse benefits, institution services, occupational therapy services, and case management for children with special health care needs.

Died in Human Resources subcommittee.

**HF325** provided for increasing coverage for children under the healthy and well kids in Iowa (*hawk-i*) program to 300 percent of the federal poverty level.

Died in Human Resources subcommittee.

**HF384** directed the Supreme Court, in cooperation with Department of Human Services, to determine the feasibility of utilizing *hawk-i* for medical support for parents to a dependent under a medical support order.

Died in Human Resources subcommittee.

### **ICSW SUPPORTED**

**HF2577** authorizes \$250,000 through Department of Human Services to provide coverage under the medical assistance program to women who require treatment for breast or cervical cancer.

4/14/04 passed House 98/0

4/15/04 passed Senate 47/1 with amendment

4/19/04 passed House 99/0 with amendment

4/20/04 passed Senate 47/1

5/17/04 signed by Governor

### **ICSW SUPPORTED**

**HF104** required third-party payers of health or medical expenses to provide coverage for

screening tests for women who are at risk for ovarian cancer.

Died in Commerce, Regulation, Labor subcommittee.

### **ICSW OPPOSED**

**SSB1055** and **SSB3008** were Woman's Right to Know study bills.

Died without becoming bills.

**HF2036** established a legal process for an adult pregnant woman to obtain an abortion, including the appointing of a guardian ad litem to represent the fetus, and a penalty.

Died in Human Resources.

**HF2206** changed Iowa's parental notification requirement to parental consent prior to the performance of abortion on a minor.

Died in Human Resources subcommittee.

### **ICSW OPPOSED**

**HF111** specified criteria in the awarding of grants or contracts relating to family planning and reproductive health services to those that engage in the least number of abortions.

Died in Human Resources subcommittee.

### **ICSW SUPPORTED**

**HF2259** provides that a retailer shall not sell, and a person shall not purchase, in a single transaction more than two packages containing pseudoephedrine as the products' sole active ingredient. A person who sells or purchases more than two packages containing pseudoephedrine in a single transaction commits a simple misdemeanor fine of \$100.

2/19/04 passed House 97/0

4/6/04 passed Senate 49/0 with amendment

4/7/04 passed House 97/0

5/3/04 signed by Governor

### **ICSW PRIORITY**

**HF627** (formerly HSB288) mental health parity.

Died in re-referral to Human Resources.

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**SF2056** mental health and substance abuse parity.

Died in Commerce subcommittee.

**SF2058** mental health parity for state employees.

Died in Commerce subcommittee.

**SF232** (also HSB48) mental health parity.

Died in Commerce subcommittee.

**HF63** mental health and substance abuse parity.

Died in Commerce, Regulation and Labor subcommittee.

**SF227** mental health and substance abuse parity.

Died in Commerce subcommittee.

**SF243** mental health and substance abuse parity.

Died in Commerce.

**SF58** related to third-party payment of health care coverage costs for only biologically based mental illness treatment services.

Died in Commerce subcommittee.

### **ICSW SUPPORTED**

**HF2279** required that the phone number for an insured to obtain more information about the external review process be printed on the insured's insurance card, and be posted in a prominent place in health care facilities.

Died in Commerce.

### **ICSW SUPPORTED**

**HF2126** requested that the ICSW call together a commission to review the implementation of the Iowa Supreme Court's Equality in the Courts Task Force Report recommendations.

Died in Judiciary subcommittee.

### **ICSW PRIORITY**

Three bills provided the restoration of voting rights upon a person's release from probation, parole, or work release, or upon completion of the person's term of confinement and upon the person making full restitution.

**HF402** died after being re-referred to State Government.

**HF178** died in State Government.

**SF311** died in State Government.

**HF445** made restoration of the right to register to vote only to persons discharged on or after July 1, 2003.

Died in State Government.

### **ICSW SUPPORTED**

**SF2275** provides that a person who was sentenced to an 85 percent sentence prior to July 1, 2003, may have the person's sentence reopened upon a joint motion filed by the board of parole and the department of corrections if the original sentencing court grants the motion. The county attorney from the county which prosecuted the defendant may, after consulting with the victim, if the victim can be found, file an objection to the motion to reopen. If the sentence is reopened, the defendant becomes parole-eligible after serving 70 percent of the maximum term of the sentence, as are persons sentenced to an 85 percent sentence on or after July 1, 2003. Under current law, only the county attorney may file a motion to reopen an 85 percent sentence. The bill also requests the legislative council to establish an interim study committee to review and propose revisions to the criminal code.

3/17/04 passed Senate 49/0

4/15/04 passed House 54/43 with amendment

4/16/04 passed Senate 46/0

5/11/04 signed by Governor

### **ICSW SUPPORTED**

**HF2321** appropriated \$400,000 for educational and technical training for female inmates in prison, for males and females in prison with regard to parenting and other skills to strengthen families; and \$100,000 for two pilot programs in continuing education and training after release from prison.

Died in Appropriations.

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### **ICSW OPPOSED**

**SF411** (formerly SSB1056) established that a party may petition for dissolution of marriage only upon proof of any of the following: a. The other party has committed adultery. b. The other party has committed a felony and has been sentenced to imprisonment. c. The other party has abandoned the matrimonial domicile for a period of one year and refuses to return. d. The other party has physically or sexually abused the party seeking the dissolution or a child of one of the parties. e. The parties have been living separate and apart continuously without reconciliation for a period of two years.

Died after being re-referred to Human Resources subcommittee.

### **ICSW SUPPORTED**

**HF561** provides that a person who knowingly views, photographs, or films another person for the purpose of arousing or gratifying the sexual desires of any person while the other person is in a state of full or partial nudity, commits invasion of privacy under certain circumstances. A person commits invasion of privacy, if the person being viewed, photographed, or filmed does not consent or is unable to consent to being viewed, photographed, or filmed, the person is in a state of full or partial nudity, and the person has a reasonable expectation of privacy. The bill defines “full or partial nudity” to mean showing of genitals, pubic area, buttocks, or female nipple. A person who commits invasion of privacy is guilty of a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500.

3/24/03 passed House 96/0

4/5/04 passed Senate 49/0

4/26/04 signed by Governor

### **ICSW SUPPORTED**

**HF2307** related to a violation or “attempted violation” of a court order or protective order.

Died in Judiciary subcommittee.

### **ICSW SUPPORTED**

**HF2533** allows the magistrate to order that a person appear either before the court, which issued an original protective order, or before the court in the jurisdiction where the alleged violation took place.

3/17/04 passed House 95/0

3/31/04 passed Senate 48/0

5/3/04 signed by Governor

### **ICSW SUPPORTED**

**SF2199** relates to residential landlord/tenant law by requiring that a tenant be given the three-day eviction notice with specific activity causing the clear and present danger along with the *Code of Iowa Section 562A.27A* stating the rights of a tenant involved in family/domestic violence.

3/9/04 passed Senate 49/0

3/16/04 passed House 99/0

3/29/04 signed by Governor

**HF2522** specifies that if an alleged victim of sexual abuse has not filed a complaint and a sexual abuse evidence collection kit has been completed, the kit must be stored by law enforcement for a minimum of ten years; also notes that a case number may be assigned to the kit instead of bearing the victim’s name

3/17/04 passed House 95/0

3/30/04 passed Senate 47/0

4/8/04 signed by the Governor

### **ICSW SUPPORTED**

**HSB304** increased from 5 percent to 10 percent the amount of the state’s portion of real estate transfer tax collected that is required to be deposited in the shelter assistance fund

Died without becoming a bill.

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**HF2020** relocated child support recovery unit to the Department of Revenue.

Died in Human Resources.

**SF2288** authorized Federal Block Grant Funding Stop Violence Against Women grant program appropriation: \$1,614,000 (FY04 \$1,853,100) Child Care and Development appropriation: \$42,310,187 (FY04 \$42,089,767)

5/17/04 signed by Governor

**SF2298** authorized State Appropriations

3/30/04 passed Senate 28/21

4/12/04 passed House 54/45

4/12/04 motion filed by Gipp to reconsider

4/19/04 passed House 58/40 with amendment

4/20/04 passed Senate 28/20 with amendments

4/20/04 passed House 52/46

5/17/04 signed by Governor with multiple line-item vetos

Status of Women division in Human Rights for salaries, support, maintenance, and miscellaneous purposes, including the Iowans in Transition program, and the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent (FTE) positions: \$329,530 and FTEs 3.00 (FY04 \$330,852). Without a salary adjustment appropriation, the ICSW budget and the grants will be further reduced from FY04 levels. Iowans in Transition Grants were not at the FY01 level proposed.

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling: \$1,267,111 (FY04 \$1,277,947)

For family investment program account and used for assistance under the family investment program: \$45,277,569 (FY04 \$51,492,790)

For family investment program account and used for the job opportunities and basic skills (JOBS)

program, and implementing family investment agreements: \$13,412,794 (same in FY04)

For state childcare assistance: \$18,073,746 (FY04 \$21,145,765)

For pregnancy prevention grants on the condition that family planning services are funded: \$2,514,413 (FY04 \$1.2 million for family planning; \$1.3 million pregnancy prevention)

For the family development and self-sufficiency grant program: \$5,133,042 (same as FY04)

For maintenance of the healthy and well kids in Iowa (*hawk-i*) program: \$12,118,275 (FY04 \$11,118,275)

For operation of the Iowa Juvenile Home at Toledo: \$6,061,266 and FTEs 130.54

For domestic violence and sexual assault victim assistance grants: \$5,000 (FY04 and FY03 had no separate line item; FY02 \$1,918,384)

For the operation of the Mitchellville women's correctional facility, including salaries, support, maintenance, and miscellaneous purposes: \$13,190,260 (FY04 \$12,260,590 and 216 FTEs)

For educational programs for inmates at state penal institutions: \$1,008,358 (FY04 \$1,138,166)

### Public Hearing

At a public hearing each fall, the ICSW listens to organizations, agencies, and individuals express their legislative concerns regarding women. From that hearing, the ICSW Legislative Committee and staff meet to develop a slate of proposals used as the foundation for the next year's advocacy efforts along with recommendations

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from previous years.

The 2004 public hearing was held on October 26 in Urbandale. Announcements requesting testimony were sent to statewide media outlets, women's organizations, and state agencies.

Eighteen individuals/organizations testified. Lana Ross, Iowa Conference of The United Methodist Church, spoke about welfare reform. Speaking on justice issues were Vicki Place, Iowa Friends of Legal Service; Maja Rater; Donna Christensen, Coalition for Divorce Reform; Jana Olson, Iowa Gender-Specific Services Task Force; Carlos Jayne, Friends of Iowa Women Prisoners; Jackie Tilley, Winner's Circle of Support Group at Beacon of Life; and Sheryl Baney, Iowa Correctional Insitutuion for Women. Jodi Tomlonovic, Family Planning Council of Iowa testified on women's health issues. Testifying about violence against women were Michelle Saveraid, Iowa Coalition Against Sexual Assault; and Nancy Robertson, Iowa Coalition Against Domestic Violence. Di Findley, Iowa CareGivers Association, spoke about aging issues and long-term care. The following provided written testimony: Kristie Oliver, Iowa Association of Homes & Services for the Aging; Linda Hildreth, Iowa Department of Elder Affairs; Jill June, Iowa Planned Parenthood Affiliate League; Karen Kubby, Emma Goldman Clinic; Margaret Stout, NAMI Iowa; and Iowa Juvenile Home Foundation.

### **2005 Proposals to the Governor and 81<sup>st</sup> General Assembly**

The ICSW endorses, in no particular order, the following 2005 Proposals.

#### **Priorities**

As priority areas being proposed to the Governor and General Assembly for 2005, the ICSW supports:

- An increase in funding levels for the Iowa Community Empowerment school-ready and early childhood programs for zero to five. (Child Care)
- Increase in the minimum wage. (Economics)
- Requiring private and public health insurance to provide benefits for the treatment of biologically-based mental illnesses under the same terms and conditions as for other illnesses. (Insurance)
- Restoration of state funding as a line item of \$1.2 million for the Legal Services Grants Program administered by the Office of the Attorney General. (Justice)
- Automatic restoration of voting rights for felons upon completion of sentence and parole. (Justice)
- State appropriation for infrastructure improvements at the Iowa Juvenile Home. (Justice)
- Restoration of stable funding for domestic violence and sexual assault programs in the state budget. (Violence Against Women)

### **Legislative Proposals**

#### *Aging Issues and Long-Term Care*

In 2002, Iowa ranked third in the percentage of population over 85 years of age, fourth in the percentage of population over 75 years of age, and fifth in the percentage of population over 65 years of age. In 2000, 59 percent of persons over 65 in Iowa were women. As the baby boom generation gets older, the need for both paid and unpaid caregivers will increase. A 2001 ICSW study on CNA wages and benefits found that 73 percent earn under \$10 per hour with few benefits and high turnover. A typical family

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caregiver in today's society is an educated, working, married woman in her mid-forties that spends about twenty hours per week providing unpaid care to her mother. To address the needs of the aging, and of paid and unpaid caregivers for dependent adults, the ICSW supports:

1. Strengthening and enhancing Iowa's laws on abuse of vulnerable individuals.
2. Amendment of state tax policy in the *Code of Iowa* Chapter 422.9(2)(e) regarding tax deduction to include spouse, brother, and sister for whom in-home care is given.
3. More standardized education, continuing education, and opportunities for advancement for direct care workers (nurse aides/home care aides) in order to ensure equitable pay.
4. Continued funding for Iowa CareGivers Association.
5. Funding to support expansion of the Iowa Nurse Aide Registry in conjunction with the Iowa CareGivers Association's Better Jobs Better Care grant.
6. Annual earmark of \$200,000 from Civil Money Penalties for the Iowa CareGivers Association to maintain its Direct Care Worker Scholarship Program.
7. Creation of a Direct Care Worker Credentialing body to be housed within the Iowa Department of Public Health and in cooperation with Iowa Department of Inspections and Appeals' Direct Care Workers Registry, and the Iowa Department of Human Services. Members appointed should include primarily direct care workers and consumers, providers, state entity representatives, educators, and licensed nurses.

### *Child Care*

Iowa ranks behind three other states in the percentage of children with both, or the only parent, working. The percent of mothers with children under age six in the labor force is 74.1, and 83.6 percent of mothers with children ages six to seventeen only are in the labor force. Child care is an economic and social infrastructure issue that affects the bottom line for business, the standard of living for families, and the future competitiveness of the state. To insure quality affordable child care, in particular for women seeking training and/or employment, the ICSW supports:

- 1. An increase in funding levels for the Iowa Community Empowerment school-ready and early childhood programs for zero to five. (Priority)**
2. A child care and/or preschool subsidy for every Iowa family below 85% of the state median income.
3. Adequate compensation, including benefits, for childcare workers.
4. A professional development system for child care/preschool workers of prerequisite and on-going training, and a process for credentialing workers.
5. Requirement that all child care/preschool settings be licensed and adhere to standards that ensure quality care and experiences.
6. Maintaining matching funds to allow Department of Human Services to draw down from the Child Care Development Fund.
7. Quality early childhood programs through:
  - a. provision of resources for the TEACH/ Apprenticeship education and compensation program;

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b. increasing the funding for monitoring and support of child care centers and Child Development Homes; and

c. increasing the child care provider reimbursement payments to child care programs to meet the most recent market rate.

8. State investments in Head Start and Early Head Start.

9. Instituting an At-Home Infant Care program.

### *Economics*

In 2000, 62.7 percent of women age 16 and older were in Iowa's workforce, which represented 47.4 percent of the total workforce. According to the wage study released that same year, Iowa women made 73 cents for every \$1 a man made. The study also found that 64 percent of female respondents reported annual wages of \$25,000 or less while 66 percent of males reported wages over \$25,000. To address the economic needs of Iowa women, the ICSW supports:

#### **1. Increase in the minimum wage. (Priority)**

2. Development of a plan for extending a comparable worth policy to all public employees in Iowa, with state assistance to local government entities in conducting comparable worth studies and a plan for making state revenue-sharing monies at future dates contingent upon adopting comparable worth pay schedules for local government employees.

3. Increased funding for Iowans in Transition program grants through the ICSW at the FY01 level of \$185,000 providing pre-employment services to an additional 900 displaced homemakers, single parents or female offenders.

4. Development of a plan to achieve pay equity for employees in private industry furthering the

goal of eliminating wage discrimination on the basis of gender.

5. Continued financial assistance to targeted small businesses.

6. Legislation to outlaw the unfair employment practice of discrimination based on a person's use of Family Medical Leave.

7. A legislative resolution to study the economic, fiscal, and social impact of the establishment of a living wage in Iowa.

8. Legislation to allow an action to be brought based on fraud relative to a judgment of distribution of marital assets within one to five years after the discovery of the fraud.

9. Opposing an amendment to the Iowa Constitution providing for public vote on tax increases.

10. Establishing a vehicle for 12 weeks of partial wage compensation for a person taking family and medical leave.

11. Legislative changes for clarification and cost savings for the Child Support Recovery Unit's operations.

12. Legislative proposals as endorsed by the Coalition Against Abusive Lending addressing predatory lending.

### *Equality*

The *2004 Status of Iowa Women Report* documents the need for continuing to improve the quality of life for women in this state. To achieve equality while improving the status of women, the ICSW recommends:

1. State funding to provide staff and support for the provision of technical assistance on

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educational equity for school districts and to monitor implementation of Iowa's multicultural, gender-fair curriculum requirement as well as Title IX.

2. Incentives for males and minorities to enroll in programs for training elementary education teachers and secondary family and consumer science teachers, and for females and minorities to enroll in programs of training for secondary industrial technology, mathematics, and science teachers.
3. Gender balance on boards and commissions of political subdivisions of the state.
4. Amending the Iowa Civil Rights Act to prohibit discrimination on the basis of sexual orientation.

### **Health**

Good health is essential to leading a productive and fulfilling life and to participating fully in the economic, social, and political life of the state. It requires safe and healthful physical and social environments, sufficient incomes, safe and adequate housing, proper nutrition, preventive treatment, and education on maintaining healthful behaviors. It is an irony that many health care workers do not earn enough to afford their own health care coverage. To increase the quality of health in women, the ICSW supports:

1. Focusing on health care reform until health care coverage is accessible to all Iowans.
2. Full funding and implementation of the State Children's Health Care Initiative (*hawk-i*), with consideration of available options including coverage of parents.
3. Expansion of Medicaid coverage to include parents of eligible children.

4. Continued funding for statewide chlamydia screening.
5. Access to mammography, colposcopy, and screening for diabetes for low-income women without Medicaid.
6. Continued funding for follow-up treatment when screening for breast and cervical cancer indicates abnormalities.
7. Coverage for screening tests for women who are at risk for ovarian cancer.
8. Increased funding of family planning services through Temporary Assistance for Needy Families (TANF).
9. Access to all reproductive health care options for women as currently available.
10. Continuation of funding for the community adolescent pregnancy prevention programs at the current level.
11. Opposition of the criterion that family planning and reproductive health services grants be awarded to agencies who engage in the fewest abortions.
12. Increased reimbursement rate under Title XIX for dentists to care for children in WIC and Head Start programs.
13. Increased funding to programs for quality substance abuse treatment, including treatment tailored specifically for methamphetamine use.
14. Opposition to any legislative language defining when life begins.
15. Full funding of the state's portion of Medicaid.

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16. Open access to psychiatric medications that are most effective in treating mental illness.

### *Insurance*

In recognition of the needs of all persons to insure against the risks related to illness, disability, retirement and death, and in particular noting the needs of persons following divorce or disability or death of a spouse, the ICSW supports:

- 1. Requiring private and public health insurance to provide benefits for the treatment of biologically-based mental illnesses under the same terms and conditions as for other illnesses. (Priority)**
2. Equality for substance abuse treatment coverage.
3. Elimination of discriminatory practices on the basis of gender or marital status in the issuance or operation of any type of insurance policy, plan, program, or coverage, including but not limited to rates, payments, or benefits; for example, exclusion of obstetrical care for unwed dependents.
4. Continuing to reform health insurance coverage for the uninsured and underinsured.
5. Expansion of relationship definition for family coverage health insurance to include members in the same household.
6. Requirement that the phone number to call and obtain more information about the external review process be printed on insurance cards and be posted in a prominent place in health care facilities, so that a person who has been denied coverage knows how to appeal.
7. Tax credits and asset protection in long-term care insurance.

8. Allowing ex-spouses to continue as a member of a group health insurance policy if they have been a policy member for more than five years.

### *Justice*

Women in Iowa have unique needs relative to the administration of justice in all areas, including legal assistance. The female prison population in Iowa is on the rise, climbing from fewer than 100 in 1985 to 723 at midyear 2004. The ICSW supports:

- 1. Restoration of state funding as a line item of \$1.2 million for the Legal Services Grants Program administered by the Office of the Attorney General. (Priority)**
- 2. Automatic restoration of voting rights for felons upon completion of sentence and parole. (Priority)**
- 3. State appropriation for infrastructure improvements at the Iowa Juvenile Home. (Priority)**
4. The establishment of a gender-specific continuum of care for females beginning with restricting all 100 placements at the Iowa Juvenile Home to females.
5. Strengthening and expanding our community based corrections as a way to alleviate the growth of our prison population.
6. Corrections budget funding to provide for adequate staffing commensurate with Iowa's growing offender population for the safety of the public, staff and offenders.
7. Elimination of mandatory minimum sentencing and restoring more discretion in sentencing to the judiciary.
8. Intensive residential community-based facility for drug offenders on probation.

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9. Expansion of substance abuse treatment in prisons and communities.
10. Re-visiting the proposal to use 100 beds at the former Knoxville VA facility for substance abuse treatment.
11. Re-emphasizing (and supporting with resources) the importance of education in rehabilitation and the reduction of recidivism.
12. Establishing and funding additional restorative justice programs.
13. Continuation of no-fault dissolution of marriage.
14. Statewide expansion in re-entry programming, including the Keys Program pilot, to reduce recidivism.
15. Expansion of the Star Therapeutic Community Program currently in use at the Iowa Correctional Institute for Women. Expand relationship based Families in Transition program in the Therapeutic Community to all inmates.
16. Opposition to reinstatement of the death penalty.
17. Changes in the Code of Iowa to lower the number of years required between applications for commutation.

### ***Violence Against Women***

Since 1995, 78 Iowa women and 14 Iowa men have been killed by their partners. In fiscal year 2003, 20,841 victims of domestic violence were served by programs receiving state dollars. That same year, 3,560 adult, teenage, and child survivors of sexual assault sought services from Iowa's sexual assault crisis centers. In light of the number and degree of violent incidents committed against women, the ICSW supports:

- 1. Restoration of stable funding for domestic violence and sexual assault programs in the state budget. (Priority)**
2. Amending Code of Iowa Chapter 724.26, so that state law is the same as the federal law that prohibits persons who have committed domestic violence or who are subject to a no-contact order from possessing firearms.
3. State legislation to criminalize trafficking of persons, to award benefits for victims, and institute a statewide task force.
4. Amending *Code of Iowa* Chapter 236.8 so that the even "attempted" contact in violation of a protective order can be prosecuted or a contempt action brought.
5. Amending the *Code of Iowa* Chapter 562A.36 to ensure that victims of domestic violence can call the police or emergency assistance without facing eviction, and provide a civil penalty for violations of this right.
6. Mandatory notification by law enforcement to sexual assault victims of their specific rights.
7. Amending *Code of Iowa* to improve the crime victim notification process to allow registration at any point, with registration information contained in one centralized database, which can be accessed by all components of the justice system.
8. Improved access to FBI background checks to allow victim service agencies to check national criminal records for potential employees and volunteers of sexual assault centers.
9. Repeal of or change in *Code of Iowa* Chapter 708.2A(5)a that limits the time frame for counting previous domestic violence convictions.

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10. Legislation requiring every state department or agency referenced in the annual Domestic Violence Death Review report to respond to the recommendations in writing within sixty days of the issuance of the report.

### *Welfare*

To endorse Iowa's efforts to reform the welfare system, particularly to make services available that promote economic self-sufficiency, the ICSW supports:

1. Full funding for child care, education, and training for Family Investment Program (FIP) participants through the maintenance of effort requirement for Temporary Assistance for Needy Families (TANF).
2. Increased grant level for the Family Investment Program (FIP).
3. Increasing work deductions (earned income disregards) under Family Investment Program (FIP).
4. Continued medical coverage for former welfare recipients beyond the one-year limit to cover the gap between leaving public assistance and becoming totally self-sufficient.
5. Fully restored funding for the Family Development and Self-Sufficiency (FaDSS) program.
6. Restoration of the Emergency Assistance Program for housing and utilities when Iowans are threatened with homelessness.
7. Restoration of \$400,000 appropriation to the Homeless Shelters Operations Grant (HSOG) through the Department of Economic Development.

8. Dedication of revenue from real estate transfer tax to fund homeless shelters, low income housing, and housing rehabilitation.

9. Investment of work related TANF High Performance Bonus for one-time use to strengthen FIP employment and training programs, including Family Development and Self-Sufficiency.

### **Proposals to Executive Branch for Administrative Action**

The ICSW supports:

### *Economics*

1. Promotion of state/federal dependent care pre-tax deductions for in-home day care, in-home nursing care, child day care, adult day care, and household services in conjunction with day care.
2. Promotion of earned income tax credit and child care income tax credit.
3. Promotion of assistance with tax preparation to low-income Iowans.
4. Amending the state plan for implementing the Workforce Investment Act to include a strong initiative for training women for nontraditional, higher-paying jobs.
5. Policies that promote job sharing and flex-time in employment.
6. Partnership with the Iowa Finance Authority in an effort to educate Iowa women on the opportunities available for down payment assistance and low interest rate mortgages.
7. Promotion of a requirement that credit be given for skills developed through volunteer and homemaker work experience for purposes of

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qualifying for hiring and promotion in all personnel selection systems in Iowa state government, its political subdivisions, and all businesses/parties that contract with the state government.

### ***Education***

1. Continuation of affirmative strategies to promote opportunities for women and minority persons in educational administration, which in turn results in role models for students and a vehicle for change in the educational environment.
2. Increased educational support for programs that encourage females and minority students to study mathematics, science, and technology at all levels as well as to pursue careers related to mathematics, science, and computer technology.
3. Promotion of female participation in educational programs leading to nontraditional, higher-paying jobs.
4. Promotion of financial literacy courses in schools and communities.
5. Infusion of equity training and strategies for effectively working with diverse learners into the college level preparation programs for school administrators, teachers, counselors, and coaches. (To supplement, not replace the current human relations courses.)
6. Encouragement for school districts to use methods and resources already at their disposal to gain equitable treatment for young women and men and to ensure quality educational environments that ensure that all students achieve to their maximum potential.
7. Provision of English as a Second Language adult education.

### ***Government***

1. Making services through the Department of Human Services (DHS) more accessible and understandable particularly emphasizing the need for advocates for clients of DHS.
2. Continuing redesign of the delivery system for financial assistance services so that families are served more quickly and effectively, which includes one point of entry.

### ***Health***

1. Promotion of prenatal screening to include counseling to high-risk women to have confidential HIV test and treatment if necessary to prevent transmission.
2. Guaranteed eligibility, upon approval of a Medicaid waiver, for family planning services up to 24 months after a pregnancy has ended.
3. Monitoring managed care for substance abuse and mental health treatment to insure that specific needs of women, including aftercare, are met.
4. Monitoring the delivery of services through Empowerment Zones, to assure that needs of families are being met.
5. Encouraging the state to apply for a federal waiver to allow state employees access to the hawk-i program.
6. Education on the illegality of female genital mutilation (AKA female circumcision).
7. Appropriate response from law enforcement to harassment at reproductive health care facilities in Iowa.

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### *Justice*

1. Monitoring the implementation of the Iowa Supreme Court's Equality in the Courts Task Force's final recommendations.
2. Continued education of judicial nominating commission members regarding the need to increase the number of women and minorities in the Iowa judiciary, and encouragement of judicial nominating commission members to give weight and consideration to relevant background and experience in the selection of candidates.
3. Improvement of the procedures for enforcement of financial settlements, including alimony and other judicial decisions.
4. Educating judges about the current law and problems created by nonpayment of support.
5. Advocacy by legislators with the Department of Corrections in establishing and changing administrative rules involving the cost of telephone calls, visiting hours, and expanding the definition of family so contact from persons closest to the inmates is enhanced.
6. The mediation/arbitration approach to child custody except in cases where domestic violence or child abuse are involved.
7. Making services, such as mental health services, to families involved in the juvenile court available immediately.
8. Development of a new program to house children with their young mothers who are residents of the Iowa Juvenile Home.

### *Violence Against Women*

1. Monitoring the implementation of recommendations of the Supreme Court Task Force on Courts' and Communities' Response to Domestic Violence.

2. Improved mandatory training requirements for judicial branch personnel to include judges, clerks of court and county attorneys.

### **Study Proposals**

The ICSW supports:

1. Study of issues related to the awarding of guardianships, conservatorships, and designation of other substitute decision-makers, taking into account the rights and needs of the parties involved.
2. Study through the Coalition Against Abusive Lending of check-cashing centers and currency exchanges, payday loans, rent-to-own operations, pawn shops, warranties for used cars, and same-day-pay temporary agencies, to ascertain extent of victimization of the working poor.
3. Study of materials to determine whether financial advisors are being encouraged to sell products (e.g. insurance, trusts, annuities) based on gender assumptions such as the incompetence or unwillingness of women to handle financial affairs.
4. Study of the need for substance abuse training for nurses.
5. Study of a mechanism to expedite the reunification of parents with children taken away by the Department of Human Services.
6. Study of issues related to child custody, including judicial discretion, rulings of Iowa judges, consideration of primary caregiver presumption, and consideration of shared custody presumption.
7. Review of the statute of limitations in prosecution for child sexual abuse.

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8. Study by Iowa Department of Public Health of sickle cell anemia, diabetes, infant mortality and keloid treatment in African-Americans.

9. Study of the reasons why women attorneys do not apply, or reapply, for appointment to judgeships in greater numbers.

10. Study of judicial nominating commission legislation, including the possibility of alternating the male and female most senior justice as chair, and the possibility of increasing the number of applicants submitted to the Governor, balanced by gender.

11. Study of various recommendations to revise the Civil Rights Code, enhancing penalties, increasing rights of complainants, and expanding coverage.

12. Study of child support issues, including:

- Amendment to Code of Iowa Chapter 633.425 classifying unpaid child support first in payment of debts of an estate;
- Providing legal representation for persons seeking child support.
- Institute child support assurance to aid families unconditionally until the state enforces and collects court-ordered child support.
- Proposal to move child support enforcement and collections to the Department of Revenue.

13. Study to determine the scope and nature of mandatory training in gender-specific services for appropriate staff at all state agencies involved with juvenile justice as well as any agencies that receive state funds.

14. Study of the compensation for workers in treatment programs for adolescent females.

15. Study of the unemployment rate of ex-offenders due to felony convictions to determine

what effect this unemployment rate has on recidivism.

16. Study of divorce law reform.

### **SOCIAL LIFE**

*The ICSW believes that in order to advocate for the full participation by women in the political, economic, and social life of the state, leaders in those areas need to be identified, recognized, and promoted as role models.*

### **Cristine Wilson Medal for Equality and Justice**

This award was established in 1982 and honors the woman who served on the Governor's Commission on the Status of Women and who first chaired the statutory Commission. From 1972 to 1976, Cristine Wilson led the Commission in combatting sex discrimination and in promoting equal opportunity. The medal is given to individuals--male or female--who have exhibited outstanding dedication and service on behalf of the ideals of equality and justice. Past recipients include Governor Robert Ray, Mary Louise Smith, Sue Follon, Patricia Geadelmann, Minnette Doderer, Lonabelle Kaplan "Kappie" Spencer, Charles H. Bruner, Louise Rosenfield Noun, Mary Molen Wiberg, Betty Talkington, Maude Esther White, Naomi Christensen, Edna M. Griffin, Governor Terry E. Branstad, Suzanne O'Dea Schenken, Jane Elliott, Reverend Carlos Jayne, and Rekha Basu.



### **Marie C. Wilson**

Marie C. Wilson, an advocate of women's issues for more than 30 years, is founder and president of The White House Project, co-creator of Take Our Daughters to Work Day

and author of *Closing the Leadership Gap: Why Women Can and Must Help Run the World*. Wilson founded The White House Project in 1998 in recognition of the need to build a truly representative democracy – one where women lead alongside men in all spheres. Wilson started The White House Project while she was still president of the Ms. Foundation for Women, a position she held from 1984-2004. In honor of her work, the Ms. Foundation has created The Marie C. Wilson Leadership Fund. Over the last thirty years, Wilson’s accomplishments include directing women’s programs at Drake University, becoming the first woman elected to the Des Moines City Council as a member-at-large in 1983, co-authoring the critically acclaimed *Mother Daughter Revolution*, and serving as an official government delegate to the United Nations Fourth World Conference on Women, held in Beijing, China in 1995. And, in the year 2000, in conjunction with Mattel, Wilson brought the world President Barbie. Wilson has been profiled in *The New York Times* “Public Lives” column, has appeared on *The Today Show*, *CNN*, *National Public Radio* and other national programs and is quoted widely for her expertise. Born and raised in Georgia, Wilson has five children and four grandchildren. She was honored with the Cristine Wilson Medal for Equality and Justice in 2004.

### Friends of ICSW Banquet

The ICSW provided staff support for the Friends of ICSW luncheon and program that followed the Iowa Women’s Hall of Fame Ceremony and reception on August 21, 2004. Held at Younkers Tea Room in Des Moines, the luncheon featured Maureen J. Korte who presented “Kindred Spirits, a Showcase of Iowa Women.” State officials, Hall of Fame members, and Commissioners were specially recognized at the event, and the Friends of ICSW Endowment Fund grants were announced.

### Iowa Women’s Hall of Fame

The Iowa Women’s Hall of Fame was established by the ICSW in 1975 to honor outstanding Iowa women. Each year four women, living or deceased, are recognized for their significant contributions to our society.

The 31<sup>st</sup> Annual Iowa Women’s Hall of Fame Ceremony was held in Des Moines on Saturday, August 21, 2004 at the State Historical Building of Iowa, Des Moines. The reception in the atrium following the ceremony was funded by the Friends of the ICSW.

As usual, the ceremony was held close to Women’s Equality Day, August 26, which commemorates the day in 1920 when American women first received the vote. At the ceremony, the Secretary of State Chet Culver read the Women’s Equality Day Proclamation.

Awards were presented to the recipients by First Lady Christie Vilsack, Commission Chairperson Kimberly Painter, and Hall of Fame Chairperson Holly Mennen-Sagar.

The 2004 Hall of Fame Nominating Committee was composed of Holly Mennen-Sagar, committee chair; Vicki Brown, commissioner; Angelica Cardenas-Chaisson, commissioner; Kimberly Painter, commission chairperson, *ex officio*; Beverly Bunker, Iowa Department of Education; and Julie Ripper, Drake University.

The honorees represented a wide range of interests and accomplishments and have made extraordinary contributions in their various fields.

The following are biographies of the 2004 inductees.



### Joy Cole Corning

Joy Cole Corning created the first statewide effort in Iowa’s history to accept, value, and celebrate diversity—people’s differences, unique needs, similarities, and contributions. As lieutenant governor, in

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### Iowa Women's Hall of Fame Members

Mary Newbury Adams	Gertrude Dieken	Mabel Lossing Jones	Ruth Sayre
Bess Streeeter Aldrich	Minnette Doderer	Alice Yost Jordan	Dorothy Schramm
Julia Faltinson Anderson	A. Lillian Edmunds	Anna B. Lawther	Jessie Field Shambaugh
Peg Stair Anderson	Lois Harper Eichacker	Meridel Le Sueur	Mary Jane Odell Siegler
Ruth Bluford Anderson	Mamie Doud Eisenhower	Mabel Lee	Georgia Rogers Sievers
Virginia Bedell	Mary Ann Evans	Twila Parker Lummer	Ida B. Wise Smith
Mildred Wirt Benson	Beverly Everett	Jean Hall Lloyd-Jones	Jeanne Montgomery Smith
Janice Ann Beran	Rosa Maria Escudé	Arabella Mansfield	Mary Louise Smith
Professor Mary Jaylene Berg	de Findlay	Ola Babcock Miller	Marilyn E. Staples
Jessie Binford	Diana "Di" L. Findley	Margaret "Peg" Mullen	Helen Navran Stein
Gladys B. Black	Merle Wilna Fleming	Marilyn O. Murphy	Rowena Edson Stevens
Amelia Jenks Bloomer	Sue Ellen Follon	Alice Van Wert Murray	Ruth Suckow
Joan Liffiring-Zug Bourret	Lt. Colonel Phyllis L.	Janette Stevenson Murray	Phebe W. Sudlow
Sue M. Wilson Brown	Propp Fowle	Ruth Cole Nash	Sister Patricia Clare Sullivan
Charlotte Hughes Bruner	Gwendolyn Fowler	Louise Rosenfield Noun	Adeline Morrison Swain
Fannie R. Buchanan	May E. Francis, Ph.D.	Denise O'Brien	Margaret Boeye Swanson
Bonnie Campbell	Mary Garst	Jessie M. Parker	Ruth Wildman Swenson
Mary E. Domingues Campos	Betty Jean Furgerson	Sally J. Pederson	Elaine Eisfelder Szymoniak
Carrie Chapman Catt	Willie Stevenson Glanton	Ann Dearing Holtgren	Lois Hattery Tiffany
Betty Jean "Beje" Walker Clark	Susan Glaspell	Pellegrino	Margaret Mary Toomey
Mary Frances Clarke, B.V.M.	Mary Grefe	Carolyn Pendray	Evelyne Jobe Villines
Mary Jane Coggeshall	Edna M. Griffin	Mary Louise Petersen	Nellie Verne Walker
Roxanne Barton Conlin	Virginia Harper	Mary Louisa Duncan Putnam	Jean Adeline Morgan
Joy Cole Corning	Helen B. Henderson	Glenda Gates Riley	Wanatee
Marguerite Esters Cothorn	Dr. Nancy Hill	Louise Rosenfeld	Beulah E. Webb
Rosa Cunningham	Cora Bussy Hillis	Eve Rubenstein	Mary Beaumont Welch
Lynn Germain Cutler	Helen LeBaron Hilton	Shirley Ruedy	Catherine Williams
Jolly Ann Horton Davidson	Pearl Hogrefe	Gertrude Durden Rush	Cristine Swanson Wilson
Evelyn Davis	Lou Henry Hoover	Edith Murphy Sackett	Annie Wittenmyer
Jacqueline Day	Dorothy Houghton	Agnes Samuelson	Maude Esther White
Dr. Ursula Delworth	Phyllis Josephine Hughes, JD	Annie Nowlin Savery	Mary E. Wood

1991 she turned an appalling incident driven by prejudice and bigotry into the impetus for creating community initiatives—forums, team-building activities, a major television presentation, and highly successful annual statewide conferences. The breadth of Corning's leadership is remarkable: children and families benefited when, as a state senator, she successfully introduced Iowa's first measure outlawing physical punishment in schools and when her hotly debated bill to extend the statute of limitations on sexual abuse passed, paving the way for later extensions. Lt. Governor Corning led projects that increased the number of good foster homes and dramatically raised the number of adoptions of special-needs children. For the rights and well-being of women, she chaired Iowa's first

STOP Violence Against Women Coordinating Council; chaired the 75th Anniversary of Woman Suffrage; and after leaving public office, led campaigns to raise funds for the chapel at the Iowa Correctional Institution for Women. In education she served the Cedar Falls School Board for 11 years—nine as president, helped develop Iowa Gifted and Talented (was state president, helped author the first state plan), led a workplace literacy project for the state, served on University of Northern Iowa boards, and established the UNI Joy Cole Corning Distinguished Leadership Lecture Series. Other notable roles: chair of National Conference of Lt. Governors and continuing work with a dozen boards and not-for-profit organizations. Corning was born in Bridgewater on September 7, 1932.

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### **Mary Ann Evans**

Mary Ann Evans, through her work at Iowa State University (ISU), has been a voice for women within the academic community, a path builder for girls and women interested in

nontraditional careers, and an enabler for international women in science and engineering. Since 1978, she has been a leader in recommending how ISU could better serve women students and employees. She was a driving force on the University Committee on Women for more than 20 years. When it became clear that both faculty and students had a critical need for childcare, Evans led the way in developing the ISU Child Care Resource Program, which grew from a single child care center to a system of services. She completed this important work while at the same time returning to school to earn master's and doctoral degrees from ISU. Recognizing how few women were enrolling in science and engineering at ISU, she founded and directed the Program for Women in Science and Engineering (PWSE), a university-wide administrative program focused on women in science and engineering. PWSE is a comprehensive program serving numerous girls and women, both on and off campus, with initiatives such as career conferences, mentoring programs, internships, role models, and scholarships. Evans was also a co-founder of Iowa State University's International Women in Science and Engineering program (IWISE), whose activities have reached women working in research institutes, universities, government labs, nongovernmental organizations in more than 20 countries. She has been active in the community, serving as a volunteer at the Center for Creative Justice, Ames United Way, Ames Civil Service Commission, and the Iowa Women's Political Caucus. Evans was born September 1, 1939 in Buffalo, NY.



### **Ruth Cole Nash**

Ruth Cole Nash, born in Minneapolis on February 10, 1922, was a supporter for the arts and worked tirelessly for social change. A member of Phi Beta Kappa, she graduated

from the University of Minnesota in 1944. She effectively organized study groups and neighborhood activism in opening housing to all races, helping to end segregation in Cedar Rapids. Nash was active in the NAACP and Faces and Voices, an annual multicultural celebration in Dubuque. She resigned from Delta Gamma sorority in 1962 after a chapter was put on probation for allowing an African-American woman to pledge. Nash saw the arts as a means to end racism, prejudice, violence, and injustice. She was instrumental in starting and supporting numerous cultural programs and events in Dubuque: Dubuquefest, which was the city's first festival; Iowa Citizens for the Arts, now called Iowans for the Arts, a statewide lobby; Dubuque Fine Arts Society; Dubuque Museum of Art; Rocco Buda Art Resource Center; and art programs targeting youth and the disadvantaged. She was a mentor and supporter for many artists in different fields: fine arts, photography, crafts, poetry, and fiction. Committed to making the arts accessible and exciting to everyone, especially the less fortunate, Nash often provided scholarships and gave gallery space at no cost. She believed deeply in the necessity for art in every person's life, and in the rights of the individual. An activist to the very end, Nash brought attention to the right of a person to end a life of pain and mental deterioration when she drowned herself on September 15, 2002 in Dubuque.



### Lieutenant Governor Sally J. Pederson

Sally J. Pederson has made it her life's work to advocate for people who cannot advocate for themselves. From the time she graduated from Iowa State University and entered the business world at Meredith Corporation until now, she has made volunteer community and political involvement a staple in her daily life. As the parent of a child with a disability, she emerged as a forceful social advocate, not only for people with disabilities but also for children generally, for minorities, and for gays and lesbians. As president of the Autism Society of Iowa, she traveled the state working with parents and educators to assure that children with autism were being served appropriately. Her leadership in those years is widely credited in the creation of the Autism Services Program, a statewide resource in schools. She was founding president of The Homestead Living and Learning Center for Adults with Autism. Pederson's work and influence have not been limited to Iowa. She was a special guest at the first White House Conference on Mental Health and served as a trustee for the National Alliance for Autism Research. In 2004, she was an invited delegate to the Global Women's Action Network for Children where she worked with women leaders from around the world to create strategies that will try to build the political will to globally address women and children's issues. As Lieutenant Governor of Iowa, Pederson works side by side with the Governor, who often refers to her as the "conscience of this administration." She has served on the Executive Committee of the National Lieutenant Governors Association and as national chair of the Democratic Lieutenant Governors Association. Pederson was born January 13, 1951, in Muscatine and grew up in Vinton.

### *Write Women Back Into History* Statewide Essay Contest

The *Write Women Back Into History* Essay Contest, cosponsored by the ICSW, the Iowa Department of Education, and the State Historical Society of Iowa, is administered each year by the ICSW and is open for participation by students in grades 6-9. Guidelines for the essay contest are made available on the ICSW's website and were e-mailed to previously participating teachers. Announcement of the contest was made to Area Education Agencies and in the press and education-related publications. Teachers are asked to encourage their students to write an original essay about a woman who they believe should be written into history. The purpose of the contest is to celebrate Women's History Month--March--and to increase the awareness of contributions made by Iowa women. Prizes are awarded to the first three winners and their teachers in the two grade divisions 6-7th and 8-9th. Special awards are given to the best essay on a woman volunteer and the best essays on women in science and engineering. Prizes include Women's History Month books and other memorabilia. The first-place winners also receive cash prizes.

**Judging:** Teachers are encouraged to sponsor the contest in their classroom. One finalist may then be submitted from each classroom to be judged by a committee made up of Iowa writers, historians, activists, and representatives of the sponsoring agencies. The 2004 judges were Lora Allison; Susan Andersen, Iowa Department of Education; Kim Cheeks, Iowa Commission on the Status of African-Americans; Janice Edmunds-Wells, Iowa Department of Public Health; Sheila Hanke, State Historical Society of Iowa; Carlos Jayne; Sarah Macht, State Historical Society of Iowa; David Meeks, Iowa Department of Human Services; Joan Moll, Iowa Department of Human Rights; Naomi Peuse,

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State Historical Society of Iowa; Michelle Rubin; and Mary Beth Schroeder Fracek, Iowa Department of Education.

### **2004 Write Women Back Into History Statewide Essay Contest Winners**

#### **6-7 Grades Category**

##### **First Place**

Rachel Evans, 6<sup>th</sup> Grade  
Teacher: Brenda Goodwin  
Urbandale Middle School

##### **Second Place**

Tausha Vannatta, 6<sup>th</sup> Grade  
Teacher: Jane Kennedy  
Parkview Middle School, Ankeny

##### **Third Place**

Lauren Ehrler, 7<sup>th</sup> Grade  
Teacher: Lynette Schmidt  
Andrew Community

#### **8-9 Grades Category**

##### **First Place**

Kathryn M. Skilton, 8<sup>th</sup> Grade  
Teachers: Laura Johnson, Steve Karels,  
and Joyce Haberman  
Nashua-Plainfield Middle School

##### **Second Place**

Jessie Stumme, 8<sup>th</sup> Grade  
Teacher: Brenda Jensen  
Central Academy, Des Moines

#### **Edith Rose Murphy Sackett Award on the Best Essay on a Woman Volunteer**

Anna McNulty, 6<sup>th</sup> Grade  
Teacher: Janet Blazanin  
Merrill Middle School, Des Moines

#### **Best Essay on Women in Science and Engineering for 6-7 Grades**

Ryan Hupp, 6<sup>th</sup> Grade  
Teacher: Gwen Gano and Lori Danker  
Prairie Middle School, Cedar Rapids

#### **Best Essays on Women in Science and Engineering for 8-9 Grades**

##### **First Place**

Kelly Pierce, 8<sup>th</sup> Grade  
Teacher: Bonnie Britten  
Waukee Middle School

##### **Second Place**

Alex Hedrick, 8<sup>th</sup> Grade  
Sue Griswold  
Woodrow Wilson Junior High, Council Bluffs

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## SECTION 3: Information/Participation

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*The Iowa Commission on the Status of Women (ICSW) office is a resource center for information on hundreds of topics relative to women and girls--publications, reference materials, and videotapes. And as mandated by the Code of Iowa, the ICSW provides assistance to organized efforts by communities, organizations, associations, government agencies, and other groups working toward the improvement of the status of women in Iowa.*

### **INFORMATION**

*The ICSW provides information to the public and elected officials on many issues, including the status of Iowa women, nontraditional jobs, divorce, sexual harassment, gender-fair curriculum in education, and more.*

### **Advocacy Directory**

Originally undertaken jointly by the American Association of University Women --Iowa and the ICSW, with updating funded by the Family Community Leadership, the statewide advocacy directory was designed to provide a computerized guide to networks on women's issues in Iowa. In 2004 the directory was continually expanded and updated; approximately 6,200 persons are in the database for one or more of the 66 categories of interest and/or experience. As an ongoing commission program, the directory will continue to expand its database and its usefulness throughout the state, and additional persons and organizations will be identified on a regular basis. Printouts of category lists are available for a minimal fee from the ICSW; the Iowa women's organizations listing is free.

### **Internship/Volunteer Opportunities**

The ICSW continued contact about available internships in its office to four-year colleges and universities statewide. Four interns were selected during the year. Many schools placed the announcements in internship directories at their career planning and placement offices.

### **Media**

The ICSW Executive Director serves as a media spokesperson for the Commission on issues relative to women across the state. During 2004, media contacts and topics discussed included: *Boone News*, Iowans in Transition program at DMACC; *CitiView*, Iowa Juvenile Home; *Des Moines Register*, women on boards and commissions and Adel councilmember's sex discriminatory statement; Iowa Broadcasters, women's issues; KUNI, women's history month; KXEL, paid sick leave; Johnston High School newspaper, equal pay day; Radio Iowa, women's history month, Iowa Women's firsts, women's equality day, and election results; Sioux City television station, equal pay day; Waterloo radio station, equal pay day; WHO Radio, ICSW Priorities and women's history month; and WOI-TV, class action suit at Wal-Mart. The Iowa Women's Hall of Fame also garnered several articles in newspapers around the state.

### **Publications**

**32nd Annual Report:** The ICSW wrote, printed, and distributed its *2003 Annual Report*. Copies of the report were sent to the Governor, key legislators, and other interested parties.

**2004 Status of Iowa Women Report:** The ICSW revised and printed the 9th Edition report, which comprises information on population, education, health, economics, justice, and politics.

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### Publications Available/Distributed Upon Request in 2004

	Paper	Web
2004 Proposals to the Governor and General Assembly	88	463
2004 Iowa Women in History Calendar	103	439
<i>Contingency Workers Study</i> (2001)	–	150
Credit Rights Card (1992)	20	–
<i>Cristine Wilson Medal for Equality and Justice</i> (2003)	38	32
<i>Divorce: Things to Consider</i> (2002)	133	8,695
<i>Exploring Nontraditional Occupations for Women: Is This Job for You?</i> video	10	–
<i>Female Juvenile Justice</i> (1996)	33	280
<i>Financial Safety Planning for Older Women</i> (2000)	76	1,193
<i>How to Get Your Bearings. How to Get a Job</i> (1998)	313	258
<i>Iowa CareGivers Wage and Benefit Report</i> (2004)	0	98
<i>Iowa Certified Nursing Assistant Wage and Benefit Survey</i> (2001)	26	151
<i>Iowa Commission on the Status of Women 2002 Annual Report</i>	–	711
<i>Iowa Commission on the Status of Women 2003 Annual Report</i>	28	1,080
<i>Iowa Commission on the Status of Women Legislative Report</i>	–	240
<i>Iowa Commission on the Status of Women Brochure</i> (2004)	263	91
<i>Iowa Gender-Specific Services Task Force Brochure</i> (2003)	151	–
<i>Iowa Gender Wage Study</i> (2000)	1	81
<i>Iowa Women and the Law</i> (English) (2002)	326	526
<i>Iowa Women and the Law</i> (Spanish) (2002)	42	510
<i>Iowa Women's Hall of Fame Biography Book</i> (2004)	72	1,447
<i>Pregnancy Factsheet</i>	81	100
<i>Promising Directions: Programs that Serve Iowa Girls in a Single-Sex Environment</i> (2000)	38	1,013
<i>Protocol Checklist</i> (2003)	–	449
<i>Providing Gender-Specific Services for Adolescent Female Offenders</i> (1999)	100	739
<i>Referral Information on Programs to Assist Women/Minorities in Establishing and Expanding Small Businesses</i> (2003)	46	77
<i>Sexism in Education</i> (2001)	112	939
<i>Sexual Harassment: It's Against the Law</i> (2001)	147	340
<i>Status of Iowa Women Report</i> (2001)		
Chapter 1	4	986
Chapter 2	4	415
Chapter 3	4	465
Chapter 4	30	433
Chapter 5	4	521
Chapter 6	4	1,152
<i>Why Not Women?</i> brochure on nontraditional jobs (1998)	64	94
<i>Write Women Back Into History Essays</i>	224	2,267

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### Current Video/Audio Tapes

- A Century of Women -- Image and Popular Culture* (1/2" VHS) 1995-96  
*A Century of Women -- Sexuality and Social Justice* (1/2" VHS) 1995-96  
*A Century of Women -- Work and Family* (1/2" VHS) 1995-96  
*Equality: A History of the Women's Movement in America* (1/2" VHS) 1996  
*Exploring Nontraditional Occupations for Women: Is This Job For You?* (1/2" VHS) 1992  
*The Feminization of Poverty...Is This Happening in Iowa?* (1/2" VHS and 3/4" videotape) 1983  
*A Fine and Long Tradition* (1/2" VHS) 1996  
*One Fine Day -- A Celebration of American Women from the 18th Century to the Present* (1/2" VHS) 1987  
*League of Women Voters of Iowa -- video history interviews, 8 tapes* (1/2" VHS) 1995-1996  
*Making Points*—Examines sexual stereotyping for adolescents (1/2" VHS) 1987  
*School House Rock: History Rock* (1/2" VHS) 1987  
*Show Me The Money: Paycheck Negotiation Workshop* (1/2" VHS) 2001  
*Stop It: Students Speak Out About Sexual Harassment* (1/2" VHS) 1994  
*The Uses of Suffrage: Women, Politics and Social Change Since 1920* (1/2" VHS) 1996  
*Voices of Women: Thinking Globally, Acting Locally* (1/2" VHS) 1995  
*Women on Stamps* (1/2" VHS) 1995

**Cristine Wilson Award Recipients:** In 1999 the ICSW developed a small publication featuring the Cristine Wilson Medal recipients. The piece was updated in 2004 and printed and posted to the website prior to the Iowa Women's Hall of Fame Ceremony--when the award is presented.

***IoWoman:*** The ICSW edited six issues of this Friends of the Iowa Commission on the Status of Women bimonthly newsletter in 2004. The publication serves to inform Iowans of state and federal legislation and state and national issues, programs, and services of particular concern to women. In 2004, approximately 8,600 individuals and organizations received the *IoWoman* via mail or by e-mail (23 percent). Printing and postage of the newsletter was paid for by the Friends.

***Iowa Women's Hall of Fame Book:*** The ICSW updated the book featuring biographies of all 120 women in the Hall of Fame. It also includes updates on members.

***Referral Information on Programs to Assist Women/Minorities in Establishing and Expanding Small Business:*** The ICSW

revised the publication, which lists several sources of information for those wanting to create or expand a small business. It was printed in 2004.

**Other:** In addition to the previously listed publications, the ICSW reprinted its advocacy directory, brochure, *Divorce: Things to Consider*, *Pregnancy Fact Sheet*, *Sexism in Education*, and *Sexual Harassment: It's Against the Law*. Video and audio tapes on various topics are also available for public access.

### Technology/Web Site

Contained on the site are such items as ICSW publications, including *IoWoman* newsletters; information on projects such as Women's History Month, Iowa Women's Hall of Fame and Gender-Specific Services Task Force; calendar of events; and legislation. Staff update the site on a regular basis. In 2004, the website had 25,900 visitor sessions and 97,074 web hits.

### Information/Referral

ICSW responded to calls year-round from individuals who sought help and/or information on issues related to women's rights. Contacts,

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including serving on task forces and committees, for the year totaled 4,420 of which 46 were unequal status/discrimination calls, 130 were from persons at-risk, 28 were for small business information, 1,277 were for information and/or referral, and 2,939 were other issues.

### **PARTICIPATION**

*As mandated by the Code of Iowa, the ICSW participates in many activities/events and serves on committees/task forces to represent the interests of Iowa women. The ICSW participated in the following during 2004:*

#### **Grant Reviews**

The ICSW reviewed grant proposals for domestic violence and sexual assault projects for the Crime Victim Assistance Division of the Office of the Attorney General and Iowa Coalition Against Sexual Assault for education and prevention funds. (See Challenge Grant on page 38 for additional grant reviews.)

#### **Exhibits**

In order to disseminate important information about women, the ICSW often exhibits at conferences and fairs and/or provides information to conference attendees. In 2004, the Commission exhibited at the Celebrate Health Ministries, Faith Communities Responding: Creating Places of Home, Ankeny; Celebrate Life, Celebrate Women, Des Moines; Iowa CareGivers Association Conference, West Des Moines; Family Planning Council, West Des Moines; Iowa's Mosaic Diversity Conference, Ames; and Whispers & Screams, Ames.

#### **Public-speaking Engagements**

Throughout the year, the ICSW was asked by many organizations, schools, and other interested parties to speak on issues related to women in the state. In 2004, ICSW spoke to the following:

Iowa State University, ICSW and legislative issues; Des Moines Weeks Middle School, wage discrimination; and American Association of University Women in Waverly, glass ceiling.

#### **Sponsorships**

The ICSW sponsored a lunch and learn on January 8, 2004 to discuss the ICSW legislative priorities. Six panelists spoke about the issues. The ICSW co-hosted a legislative meet and greet breakfast with the Iowa Commission on the Status of African-Americans and the Commission on Latino Affairs. In collaboration with Iowa Department of Transportation, Iowa Commission on the Status of African-Americans, Women's International League for Peace and Free and Longfellow School, administered the dedication of the Edna M. Griffin Memorial Pedestrian Bridge. The ICSW also sponsored the Iowa's Mosaic Diversity Conference and Whispers & Screams (see page 38 for information).

#### **Other**

**International Visitors:** The ICSW meets with worldwide women leaders through the Iowa Council for International Understanding, IRIS, United States State Department, and other entities. At the meetings, exchanges are made on programs and initiatives designed to elevate the status of women. Representatives with whom the ICSW met in 2004 were from Belarus, Croatia, Mexico, Namibia, Nigeria, Korea, Russia, Tunisia, and Zambia.

**National Association of Commissions for Women (NACW):** Charlotte Nelson and Kim Painter attended the 2004 NACW Convention in Pasadena, California.

#### **Additional Attendance/Participation**

American Judicature Society celebration of Iowa's Women Jurists and conference on Battered Women as Criminal Defendants

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American Society for Public Administration  
Arthritis Taskforce  
Asian Coalition  
Asian and Pacific Islander Commission reception  
Better Jobs Better Care Coalition and hiring team  
Bill signing for legislation creating the Iowa  
Commission on the Status of Iowans of Asian  
and Pacific Islander Heritage within DHR,  
guidelines for rape evidence storage kits, and  
research on causes and preventions of  
stillbirth  
Black and Brown Forum  
Child Labor Workshop  
Child Support Recovery Unit director discussion  
Child Welfare Redesign Monitoring Committee  
Chrysalis Foundation luncheons  
Chrysalis Foundation meeting regarding leadership  
Coalition Against Abusive Lending Summit  
Community Forum on Abusive Lending  
Cultural Competence training and workgroup  
Dedication of the Follon Student Services Center  
at UNI  
Department of Education Anti-bullying Conference  
Committee  
Department of Human Rights Administrative  
Coordinating Council  
Des Moines Pastoral Counseling Center for  
Women Helping Women luncheon  
Disproportionate Minority Confinement/Contact  
Committee  
Domestic Abuse Death Review Team  
Family Development and Self-Sufficiency  
program displays  
Fatherhood, Marriage, and Family Support  
Advisory Group  
Fort Des Moines Memorial Park and Education  
Center dedication events  
Friends of Iowa Civil Rights, Inc. and Friends of  
Iowa Civil Rights, Inc. diversity conference  
planning committee  
Friends of Iowa Civil Rights, Inc. awards  
luncheon  
Friends of ICSW  
Friends of ICSW Women You Know, Women  
You Want to Meet fundraiser  
Friends of Iowa Women Prisoners  
Governor's Conference on Aging Steering  
Committee  
Grant writing classes  
Healthy Iowans 2010  
Indicators for Women's and Girls' Well-being  
conference and follow-up  
Iowa Association of Housing and Services for the  
Aging  
Iowa CareGivers Association and conference  
planning committee  
IowaCASA and ICADV open house  
Iowa Community Advisory Team breakfast  
Iowa Coalition Against Domestic Violence on  
family formation  
Iowa Council for International Understanding  
Iowa Educational Equity Council  
Iowa Gender-Specific Services Task Force  
Iowa Human Needs Advocates  
Iowa Juvenile Home Foundation Board of  
Directors  
Iowa New Choices telenet meetings and  
coordinators' meeting  
Iowa Sexuality Educators E-Network  
Iowa Women in Public Policy  
Justice Reform Consortium  
Juvenile Justice Advisory Council  
League of Women Voters of Metropolitan Des  
Moines on League legislative priorities and  
voting rights for felons  
Legislative Liaisons  
Lt. Governor's Breakfast Reception for women  
legislators and women leaders in state  
government  
Lt. Governor's STOP Violence Against Women  
Coordinating Council  
Martin Luther King, Jr. State Observance  
National Housing Trust Fund conference call  
National Partnership for Women and Families  
Midwest Conference on Paid Leave and  
Medical Leave  
Notary Training

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## Section 3

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Public Information Officers  
Public Relations Society of America luncheon  
Press conferences on sign language interpreters,  
predatory lending, and human needs.  
Professor Mary Berg's retirement luncheon  
Region VII meeting  
Senator Grassley's Women's Conference  
State Library Statistics Training  
State Outreach Council  
State Treasurer to discuss possible conference on  
women and money  
Strategic Plan for Victim Services with Crime  
Victim Assistance Division  
Uncommon Network  
White House Project, state strategies call  
Women and Minority Health Status Indicators  
Database Training  
Women in Public Policy, Chrysalis Foundation,  
and Iowa Women's Foundation reception  
for women legislators  
Women's Bureau Director roundtable  
Women's Health Committee

## SECTION 4: Contractual Agreements

*The Iowa Commission on the Status of Women (ICSW) has contractual agreements to administer state fund appropriations to public and private nonprofit programs providing services to Iowans in Transition (displaced homemakers, single parents, and female offenders) and to administer state fund appropriations to the Iowa Coalition Against Domestic Violence (ICADV) and the Iowa Coalition Against Sexual Assault (IowaCASA) for training on issues related to domestic violence and sexual assault.*

### IOWANS IN TRANSITION GRANTS

During fiscal year 2004, the ICSW administered \$104,000 in state fund appropriations as grants to five public and private nonprofit programs providing services to displaced homemakers, single parents, and female offenders, or Iowans in Transition. Displaced homemakers are individuals who have worked principally in the home providing unpaid household services for family members. They are persons who are unemployed or underemployed; have had or would have difficulty finding appropriate paid employment; and have been dependent on the income of another family member or on government assistance, and are no longer supported by that income. Programs that work with displaced homemakers, single parents, and female offenders help them deal with the trauma of their situation and prepare them for education and training toward self-sufficiency. Reports from the programs with grants during fiscal year 2004

show a total of 1,402 (696 displaced homemakers, 607 single parents, and 99 female offenders) were served with counseling (1,123 persons); support services (424); workshop seminars (348); ABE, GED, and English as a Second Language (159); academic upgrading (274); and training for a degree (771). At intake, 49 percent were receiving welfare. Of those served, 1,314 were women and 88 were men. Racial breakdown follows: 1,105 whites, 147 African-American, 57 Latinas, 61 American Indians, 10 Asian-Pacific Islander and 5 unknown. Since July 1999, 16 of the 23 programs serving displaced homemakers in Iowa have closed. Nine of those programs had received ICSW Iowans in Transition grant funding.

**Fiscal Year 2005 Grants:** The ICSW administered \$92,000 in grants for fiscal year 2005 -- decreased 53.5 percent from \$198,000 in FY2001. Applicants for the grants were

<b>Fiscal Year 2004 Iowans In Transition Grant Recipients</b>	
<b>Community Programs</b>	
Women Aware, Inc., Sioux City	\$23,800
<b>Community Colleges (Iowa New Choices Programs)</b>	
Des Moines Area Community College, Boone/Carroll	\$21,100
Des Moines Area Community College, Des Moines	\$17,000
Iowa Lakes Community College, Estherville	\$25,000
Northeast Iowa Community College, Calmar/Dubuque	\$17,100

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<b>Fiscal Year 2005 Iowans In Transition Grant Recipients</b>	
<b>Community Programs</b>	
Women Aware, Inc., Sioux City	\$23,200
<b>Community Colleges (Iowa New Choices Programs)</b>	
Des Moines Area Community College, Boone/Carroll	\$20,000
Des Moines Area Community College, Des Moines	\$14,000
Iowa Lakes Community College, Estherville	\$20,000
Northeast Iowa Community College, Calmar/Dubuque	\$14,800

accepted from freestanding entities and subgroups or special programs sponsored by a larger organization. Eight applications were received from the programs located statewide. In June, the four-member Iowans in Transition Grant Review and Selection Committee met and made grant recommendations. The committee included Vicki Brown, Chair; Tim Fitzpatrick; Lora Kelly-Benck; Kile Scharf Beisner; and Charlotte Nelson, *ex officio*. Three grant proposal applications were denied due to insufficient funding.

**Iowa New Choices:** Commission staff participated in monthly telenet meetings with displaced homemaker/single parent and sex equity program coordinators, focusing on recent federal legislation removing set-asides for those programs and other pertinent issues.

### **VIOLENCE AGAINST WOMEN**

Addressing the priority area of violence against women is done through a cooperative relationship with the Iowa Coalition Against Domestic Violence (ICADV) and the Iowa Coalition Against Sexual Assault (IowaCASA). Resources and information are shared among the offices, thereby enhancing the ICSW's ability to carry out its responsibilities through interaction with these private, nonprofit agencies. Together, they work to strengthen efforts to prevent sexual assault and

domestic violence, and to support programs that provide services to victims. The two organizations were located with the ICSW until April of 1995.

**Fiscal Year 2004:** The ICSW administered state fund appropriations of \$14,400 to IowaCASA to provide training to the public and community professionals on issues of sexual assault. ICADV was awarded \$14,400 to provide training to the general public, criminal justice system personnel, and community professionals on issues of domestic violence.

**Fiscal Year 2005:** The ICSW administered state fund appropriations of \$13,000 to IowaCASA to provide training to the public and community professionals on issues of sexual assault. ICADV was awarded \$13,000 to provide training to the general public, criminal justice system personnel, and community professionals on issues of domestic violence.

### **CHALLENGE GRANT**

#### **Iowa Gender-Specific Services Task Force**

The ICSW renewed its intra-agency contract with the Iowa Division of Criminal and Juvenile Justice Planning (CJJP) to provide staff support to the Iowa Gender-Specific Services Task Force funded through a U.S. Department of Justice

Challenge Grant. This Commission employee fulfilled the contract terms, including convening the monthly Task Force meetings. The Iowa Juvenile Justice Advisory Council developed the Task Force to contribute to CJJP's and the State Advisory Group's activities as well as make recommendations related to gender-specific services. The Task Force involves key stakeholders in Iowa's juvenile justice system, particularly service providers who want comprehensive system change that reflects gender equity for girls and young women. The ICSW made periodic presentations and reports to the Iowa Juvenile Justice Advisory Council on the progress of the Challenge Grant Project.

### **“Whispers and Screams” Conference**

Directed by the Task Force, the ICSW coordinated the conference, *Whispers & Screams are hard to hear: Creating an audience for girls' voices, Chapter 8: Passages*, which was held March 25-26, 2004 in Ames. One hundred ninety-seven individuals from Iowa, Wisconsin, Missouri, South Dakota, Nebraska, Connecticut and Florida participated in the two day event. Keynote speakers were Ruth Herman Wells and Howard Snyder. Wells's emotional keynote, “*Doing the Impossible Just Takes a Little Bit Longer*” took an unflinching look at the world of troubled young women, who are “sometimes left with little more than the crumbs of services that remain after the needs of acting-out boys are addressed.” Snyder's session, “*Girls' Passage through the Juvenile Justice System*” reviewed the national statistics describing the flow of females into, through, and out of the juvenile justice system as well as research describing the characteristics of these offenders. The national portrait was compared with that of girls moving through the system in Iowa to place the state's concerns in perspective. Ninety-nine percent of respondents

evaluated the conference training as good or excellent.

### **“Foundations: Girls and the Juvenile Justice System” Intensive Retreat**

The ICSW organized a three day, intensive retreat for members of the Iowa Gender-Specific Services Task Force and other invited professionals September 30 - October 2, 2004. The retreat, entitled “Foundations: Girls and the Juvenile Justice System,” featured Rebecca Maniglia, director of RLM Associates, a private consulting firm providing assistance related to female offenders and juvenile justice issues, and Linda Albrecht, a consultant regarding female offenders. The Courageous Advocacy Awards given out each year at the Whispers & Screams conference are based on a leadership model adapted by Linda and described in *Guiding Principles for Promising Female Programming*. In this *Train the Trainers* workshop, participants learned to train others about gender-specific services and received a training curriculum. Participants agreed to provide training in the future on behalf of the Task Force in exchange for their participation in the retreat.

### **Community Planning Initiative and Young Women's Empowerment Events Funding**

At the end of 2002, the ICSW prepared and announced a request for proposals for two separate projects: a Community Planning Initiative and Young Women's Empowerment Events for calendar year 2003. In 2004, these projects were both continued at lesser funding levels. Alternative Services Inc. in Cedar Rapids which had created the local task force, Celebrate Girls, was awarded continued financial support in its planning and advocacy efforts on behalf of young

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women. The state Task Force coordinator also provided technical assistance to this local planning effort. Young Women's Empowerment Event funds were awarded to the following communities: Calmar (Northeast Iowa Community College), Waterloo (YWCA), and Mason City (Mason City Youth Task Force). These communities/organizations provided a safe space for young women from different walks of life to express themselves, learn leadership skills, and make allies. The projects focused on skill development, personal and group empowerment and non-traditional career exploration. Funding for both the Community Planning Initiative and the Young Women's Empowerment Events will be discontinued in the next calendar year as funding has been eliminated at the federal level.

### ***Girl Connection* Newsletter**

The *Girl Connection* newsletter continues to be produced bimonthly. During calendar year 2004, six editions of the *Girl Connection* were written and distributed electronically to nearly 700 recipients with another 180 going out by mail: February 2004: "Whispers & Screams Conference," April 2004: "Girls & Sport – Part I," June 2004: "Girls & Sport – Part II," August 2004: "Keep Your House in Order," October 2004: "Caregiver's List," December 2004: "Advocacy." Circulation of the *Girl Connection* newsletter has expanded from 14 states and the District of Columbia last year to 28 states and the District of Columbia this year.

### **Other**

The Task Force coordinator provided training/technical assistance in the following venues: Diversity Conference – workshop on relational aggression in young women; University of Iowa Summer School – two-day class on relational aggression among young women; DHS Decat Coordinators – training on planning for girls using

available data; technical assistance to new girls' day treatment program in Fort Dodge.

The Task Force, in cooperation with the Division of Criminal & Juvenile Justice Planning, the Disproportionate Minority Confinement subcommittee and the Department of Human Services, continued to work throughout the year on developing a data tool regarding juvenile offenders to help communities with their planning needs. The tool was completed and used in conjunction with the training provided to Decat coordinators from across the state. This data will also be used in the completion of an assessment tool that the Task Force will finalize in calendar year 2005, also designed to assist communities/entities who are making efforts to plan for young women.

Task Force members participated in stakeholders meetings during the Department of Human Services Child Welfare redesign process in 2003 and 2004. The Task Force advocated with the Director of the Department of Human Services and the legislators who provide oversight of DHS on behalf of girls within the new plan.

The Task Force coordinator participated in the federal review process completed by the Office of Juvenile Justice and Delinquency Prevention. The Task Force coordinator also began work with the Department of Human Rights Cultural Competency Work Group, joined the Disproportionate Minority Confinement committee to insure the needs of girls of color are being addressed, testified at the Criminal and Juvenile Justice Planning public hearing and worked with the Iowa Women's Foundation and the Iowa United Nations Association on creating indicators to measure the well-being of women and girls in the state. Finally, the Task Force coordinator became involved in the planning of the *Governor's Conference on Bullying and Harassment: Power and Empowerment*.

## PHOTOGRAPHS

*Write Women Back Into History Essay Contest Celebration  
in the Governor's Kennedy Conference Room, March 11, 2004*



*Write Women Back Into History Essay Contest Winners with Lt. Governor Sally Pederson*



**Iowa Women's Hall of Fame Ceremony,  
August 21, 2004**



# SECTION 5: Code of Iowa

## CHAPTER 216A

### DEPARTMENT OF HUMAN RIGHTS

This chapter not enacted as a part of this title;  
transferred from chapter 601K in Code 1993

	SUBCHAPTER 1	216A.77	Duties.
	ADMINISTRATION	216A.78	Administrator.
		216A.79	Gifts, grants, or donations.
		216A.80	through 216A.90 Reserved.
216A.1	Department of human rights.		
216A.2	Appointment of department director and administrators.		SUBCHAPTER 6
216A.3	Human rights administrative-coordinating council.		DIVISION OF COMMUNITY ACTION AGENCIES
216A.13	Organization.	216A.91	Definitions.
216A.14	Commission employees.	216A.92	Administrator's duties.
216A.15	Duties.	216A.92A	Commission established.
216A.16	Powers.	216A.92B	Duties of the commission.
216A.17	Report.	216A.93	Establishment of community action agencies.
216A.18	through 216A.30 Reserved.	216A.94	Community action agency board.
	SUBCHAPTER 2	216A.95	Duties of board.
	DIVISION OF LATINO AFFAIRS	216A.96	Duties of community action agency.
216A.11	Definitions.	216A.97	Administration.
216A.12	Commission of Latino affairs-terms-compensation.	216A.98	Audit.
216A.13	Organization.	216A.99	Allocation of financial assistance.
216A.14	Commission employees.	216A.100	Reserved.
216A.15	Duties.	216A.101	Emergency weatherization fund.
216A.16	Powers.	216A.102	Energy crisis fund.
216A.17	Report.	216A.103	Iowa affordable heating program established.
216A.18	through 216A.30 Reserved.	216A.104	through 216A.110 Reserved.
	SUBCHAPTER 3		SUBCHAPTER 7
			DIVISION OF DEAF SERVICES
216A.31	through 216A.50 Reserved.	216A.111	Definitions.
	SUBCHAPTER 4	216A.112	Commission created.
	DIVISION ON THE STATUS OF WOMEN	216A.113	Commission employees.
216A.51	Definitions.	216A.114	Duties of commission.
216A.52	Commission created.	216A.115	Powers.
216A.53	Term of office.	216A.116	Report.
216A.54	Meetings of the commission.	216A.117	Interpretation services account.
216A.55	Objectives of commission.	216A.118	through 216A.120 Reserved.
216A.56	Employees and responsibility.		SUBCHAPTER 8
216A.57	Duties.	216A.121	through 216A.130 Reserved.
216A.58	Additional authority.		SUBCHAPTER 9
216A.59	Access to information.		DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING
216A.60	Annual report.	216A.131	Definitions.
216A.61	through 216A.70 Reserved.	216A.132	Council established-terms-compensation.
	SUBCHAPTER 5	216A.133	Duties.
	DIVISION OF PERSONS WITH DISABILITIES	216A.134	Administrator.
216A.71	Definitions.	216A.135	Plan and report.
216A.72	Commission established.	216A.136	Statistical analysis center-access to records.
216A.73	Ex officio members.	216A.137	Correctional policy project.
216A.74	Membership.	216A.138	Multiagency data base concerning juveniles.
216A.75	Term.	216A.139	and 216A.140 Reserved.
216A.76	Officers.		

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### SUBCHAPTER 10

#### DIVISION ON THE STATUS OF AFRICAN-AMERICANS

- 216A.141 Definitions.  
216A.142 Establishment.

- 216A.143 Meetings of the commission.  
216A.144 Objectives of commission.  
216A.145 Employees and responsibility.  
216A.146 Duties.  
216A.147 Additional authority.  
216A.148 Access to information.  
216A.149 Annual report.

### SUBCHAPTER 1

#### ADMINISTRATION

##### **216A.1 Department of human rights.**

A department of human rights is created, with the following divisions:

1. Division of Latino affairs.
2. Division on the status of women.
3. Division of persons with disabilities.
4. Division of community action agencies.
5. Division of deaf services.
6. Division of criminal and juvenile justice planning.
7. Division on the status of African-Americans.

86 Acts, ch 1245, § 1201

C87, § 601K.1

87 Acts, ch 115, §70; 88 Acts, ch 1277, §27; 89 Acts, ch 83, §78; 90 Acts, ch 1180, § 2; 91 Acts, ch 50, § 2; 91 Acts, ch 109, § 8

C93, § 216A.1

##### **216A.2 Appointment of department director and administrators.**

The governor shall appoint a director of the department of human rights, subject to confirmation by the senate. The department director shall serve at the pleasure of the governor. The department director shall:

1. Establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.
2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The department director shall submit a budget for the department, subject to the budget requirements pursuant to chapter 8.
3. Coordinate and supervise personnel services and shared administrative support services to assure maximum support and assistance to the divisions.
4. Identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.
5. In cooperation with the commissions, make recommendations to the governor regarding the appointment of the administrator of each division.
6. Serve as an ex officio member of all commissions or

councils within the department.

7. Serve as chairperson of the human rights administrative-coordinating council.

8. Evaluate each administrator, after receiving recommendations from the appropriate commissions or councils, and submit a written report of the completed evaluations to the governor and the appropriate commissions or councils, annually.

The governor shall appoint the administrators of each of the divisions subject to confirmation by the senate. Each administrator shall serve at the pleasure of the governor and is exempt from the merit systems provisions of chapter 19A. The governor shall set the salary of the division administrators within the ranges set by the general assembly.

99 Acts, ch 201, §10,11

Subsection 9 stricken

Unnumbered paragraph 2 amended

##### **216A.3 Human rights administrative-coordinating council.**

1. A human rights administrative coordinating council composed of nine members is created within the department of human rights. The council is composed of the director, who shall act as the chairperson of the council, and the administrators within the department.

2. The council shall meet periodically to:

- a. Identify areas where the divisions within the department might coordinate efforts or share administrative or other support functions to provide greater efficiencies in operation including, but not limited to, accounting, clerical, record keeping, and administrative support functions.
- b. Develop cooperative arrangements and shared services among the divisions to achieve greater efficiencies, and may establish contracts and agreements between or among the divisions to provide for shared services.
- c. Transfer funds within the divisions agreeing to shared services for the implementation of the contracts or agreements between divisions.
- d. Make recommendations to the governor and general assembly regarding additional consolidation and coordination that would require legislative action.
- e. Advise the department director regarding actions by and for the department.

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f. Establish goals and objectives for the department.  
86 Acts, ch 1245, § 1203  
C87, § 601K.3  
88 Acts, ch 1277, §28; 90 Acts, ch 1180, § 4  
C93, § 216A.3

### **216A.4 Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. “*Department*” means the department of human rights.
2. “*Department director*” means the director of the department of human rights.  
86 Acts, ch 1245, § 1204  
C87, § 601K.4  
90 Acts, ch 1180, § 5  
C93, § 216A.4

**216A.5 Repeal.** Repealed by 97 Acts, ch 52, § 1.

### **216A.6 Confidentiality of individual client advocacy records.**

1. For purposes of this section, unless the context otherwise requires:
  - a. “*Advocacy services*” means services in which a department staff member writes or speaks in support of a client or a client’s cause or refers a person to another service to help alleviate or solve a problem.
  - b. “*Individual client advocacy records*” means those files or records which pertain to problems divulged by a client to the department or any related papers or records which are released to the department about a client for the purpose of assisting the client.
2. Information pertaining to clients receiving advocacy services shall be held confidential, including but not limited to the following:
  - a. Names and addresses of clients receiving advocacy services.
  - b. Information about a client reported on the initial advocacy intake form and all documents, information, or other material relating to the advocacy issues or to the client which could identify the client, or divulge information about the client.
  - c. Information concerning the social or economic conditions or circumstances of particular clients who are receiving or have received advocacy services.
  - d. Department or division evaluations of information about a person seeking or receiving advocacy services.
  - e. Medical or psychiatric data, including diagnoses and past histories of disease or disability, concerning a person seeking or receiving advocacy services.
  - f. Legal data, including records which represent or constitute the work product of an attorney, which are

related to a person seeking or receiving advocacy services.

3. Information described in subsection 2 shall not be disclosed or used by any person or agency except for purposes of administration of advocacy services, and shall not be disclosed to or used by a person or agency outside the department except upon consent of the client as evidenced by a signed release.

4. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of clients served or assisted, and results of an advocacy program administered by the department, and other general and statistical information, so long as the information does not identify particular clients or persons provided with advocacy services.

88 Acts, ch 1106, §1  
C89, § 601K.6  
C93, § 216A.6

**216A.7 through 216A.10** Reserved.

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## SUBCHAPTER 4

### DIVISION ON THE STATUS OF WOMEN

#### **216A.51 Definitions.**

For purposes of this subchapter, unless the context otherwise requires:

1. “*Administrator*” means the administrator of the division on the status of women of the department of human rights.
2. “*Commission*” means the commission on the status of women.
3. “*Division*” means the division on the status of women of the department of human rights.  
86 Acts, ch 1245, § 1221  
C87, § 601K.51  
87 Acts, ch 115, § 2  
C93, § 216A.51

#### **216A.52 Commission created.**

The commission on the status of women is created, composed of thirteen members as follows:

1. Four members of the general assembly serving as ex officio nonvoting members, one to be appointed by the speaker of the house from the membership of the house, one to be appointed by the minority leader of the house from the membership of the house, one to be appointed by the president of the senate, after consultation with the majority leader of the senate, from the membership

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of the senate, and one to be appointed by the minority leader of the senate, after consultation with the president of the senate, from the membership of the senate.

2. Nine members to be appointed by the governor representing a cross section of the citizens of the state, subject to confirmation by the senate.

No more than a simple majority of the commission shall be of the same political party. The members of the commission shall elect one of its members to serve as chairperson of the commission.

86 Acts, ch 1245, § 1222

C87, § 601K.52

88 Acts, ch 1150, §2; 90 Acts, ch 1223, § 30

C93, § 216A.52

### **216A.53 Term of office.**

Four of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and five shall be designated by the governor to serve four-year terms. The legislative members of the commission shall be appointed to four-year terms of office, two of which shall expire every two years unless sooner terminated by a commission member ceasing to be a member of the general assembly. Succeeding appointments shall be for a term of four years. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment.

86 Acts, ch 1245, § 1223

C87, § 601K.53

88 Acts, ch 1150, § 3

C93, § 216A.53

### **216A.54 Meetings of the commission.**

The commission shall meet at least six times each year, and shall hold special meetings on the call of the chairperson. The commission shall adopt rules pursuant to chapter 17A as it deems necessary for the commission and division. The members of the commission shall receive a per diem as specified in section 7E.6 and be reimbursed for actual expenses while engaged in their official duties. Legislative members of the commission shall receive payment pursuant to sections 2.10 and 2.12.

86 Acts, ch 1245, § 1224

C87, § 601K.54

88 Acts, ch 1150, §4; 90 Acts, ch 1256, § 52

C93, § 216A.54

### **216A.55 Objectives of commission.**

The commission shall study the changing needs and problems of the women of this state, and develop and recommend new programs and constructive action to

the governor and the general assembly, including but not limited to, the following areas:

1. Public and private employment policies and practices.
  2. Iowa labor laws.
  3. Legal treatment relating to political and civil rights.
  4. The family and the employed woman.
  5. Expanded programs to help women as wives, mothers, and workers.
  6. Women as citizen volunteers.
  7. Education.
- 86 Acts, ch 1245, § 1225  
C87, § 601K.55  
C93, § 216A.55

### **216A.56 Employees and responsibility.**

The commission shall employ other necessary employees. Pursuant to section 216A.2, the commission shall have responsibility for budgetary and personnel decisions for the commission and division. The administrator shall carry out programs and policies as determined by the commission.

86 Acts, ch 1245, § 1226

C87, § 601K.56

C93, § 216A.56

### **216A.57 Duties.**

The commission shall:

1. Serve as a clearinghouse on programs and agencies operating to assist women.
2. Conduct conferences.
3. Cooperate with governmental agencies to assist them in equalizing opportunities between men and women in employment and in expanding women's rights and opportunities.
4. Serve as the central permanent agency for the development of services for women.
5. Cooperate with public and private agencies in joint efforts to study and resolve problems relating to the status of women.
6. Publish and disseminate information relating to women and develop other educational programs.
7. Provide assistance to organized efforts by communities, organizations, associations, and other groups working toward the improvement of women's status.

86 Acts, ch 1245, § 1227

C87, § 601K.57

C93, § 216A.57

### **216A.58 Additional authority.**

The commission may:

1. Do all things necessary, proper, and expedient in accomplishing the duties listed in section 216A.57 and

this section.

2. Hold hearings.

3. Enter into contracts, within the limit of funds made available, with individuals, organizations, and institutions for services furthering the objectives of the commission as listed in section 216A.55.

4. Seek advice and counsel of informed individuals, or any agricultural, industrial, professional, labor or trade association, or civic group in the accomplishment of the objectives of the commission.

5. Accept grants of money or property from the federal government or any other source, and may upon its own order use this money, property, or other resources to accomplish the objectives of the commission.

86 Acts, ch 1245, § 1228

C87, § 601K.58

C93, § 216A.58

### **216A.59 Access to information.**

The commission shall have access to all nonconfidential records, data, information, and statistics of all departments, boards, commissions, agencies, and institutions of this state, and upon terms which may be mutually agreed upon, have studies and research conducted.

86 Acts, ch 1245, § 1229

C87, § 601K.59

C93, § 216A.59

### **216A.60 Annual report.**

Not later than February 1 of each year the commission shall file a report with the governor and the general assembly of its proceedings for the previous calendar year, and may submit with the report such recommendations pertaining to its affairs as it deems desirous, including recommendations for legislative consideration and other action it deems necessary.

86 Acts, ch 1245, § 1230

C87, § 601K.60

C93, § 216A.60

**216A.61 through 216A.70** Reserved.

## SECTION 6: Iowa Administrative Code

### STATUS OF WOMEN DIVISION[435]

Created within the Human Rights Department [421] by Iowa Code section 601K.52  
Prior to 7/15/87, See Status of Women [800]

CHAPTER 1 DESCRIPTION	CHAPTER 7 DECLARATORY ORDERS
1.1(216A) Composition	7.1(17A) Adoption by reference
1.2(216A) Meetings	
1.3(216A) Purpose	CHAPTER 8 PETITIONS FOR RULE MAKING
	8.1(17A) Adoption by reference
CHAPTER 2 DUTIES	CHAPTER 9 AGENCY PROCEDURE FOR RULE MAKING
2.1(216A) Information	9.1(17A) Adoption by reference
2.2(216A) Authority	
CHAPTER 3 IOWA WOMEN'S HALL OF FAME	CHAPTER 10 WAIVER RULES
3.1(216A) Purpose	10.1(17A) Definition
3.2(216A) Committee	10.2(17A) Scope of chapter
3.3(216A) Selections procedure	10.3(17A) Applicability
3.4(216A) Cristine Wilson Medal for Equality and Justice	10.4(17A) Compliance with law
	10.5(17A) Criteria for a waiver
CHAPTER 4 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES	10.6(17A) Division discretion
4.1(22) Adoption by reference	10.7(17A) Burden of persuasion
4.2(22) Custodian of records	10.8(17A) Contents of petition
	10.9(17A) Additional information
CHAPTER 5 IOWANS IN TRANSITION	10.10(17A) Notice
5.1(216A) Definitions	10.11(17A) Hearing procedures
5.2(216A) Program eligibility	10.12(17A) Ruling
5.3(216A) Proposals	10.13(17A) Conditions
5.4(216A) Selection of proposals	10.14(17A) Time for ruling
5.5(216A) Appeal procedure	10.15(17A) When deemed denied
5.6(216A) Program reports	10.16(17A) Service of orders
	10.17(17A) Record keeping
CHAPTER 6 Reserved	10.18(17A) Cancellation of a waiver
	10.19(17A) Violations
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#### CHAPTER 1 DESCRIPTION

**435—1.1(216A) Composition.** The commission on the status of women consists of nine voting members appointed by the governor subject to confirmation by the senate; and five members serving as ex officio nonvoting members: one to be appointed by the speaker of the house from the membership of the house, one to be appointed by the minority leader of the house from the membership of the house, one to be appointed by the majority leader of the senate from the membership of the senate, one to be appointed by the minority leader of the senate from the membership of the senate, and one to be the director of the department of human rights. Commissioners are appointed to comply with Iowa Code section 69.16 regarding political affiliation and section 69.16A regarding gender balance.

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The chairperson is a commission member elected by the commission. The commission has an executive director who is the administrator of the division on the status of women, department of human rights.

**435—1.2(216A) Meetings.** The commission meets at least six times each year and, additionally, holds special meetings on the call of the chair. A majority of the membership constitutes a quorum.

**435—1.3(216A) Purpose.** The commission studies the changing needs and problems of women as wives, mothers, workers, and volunteers and develops and recommends new programs and constructive action to the governor and the general assembly. The commission has no enforcement powers. Each year the commission files a report of its proceedings with the governor and the general assembly. These rules are intended to implement Iowa Code sections 216A.51 to 216A.60.

[Filed without Notice 10/16/75—published 11/3/75]

[Filed 6/26/87, Notice 4/8/87—published 7/15/87, effective 8/19/87]

[Filed 5/17/91, Notice 2/20/91—published 6/12/91, effective 7/17/91]

[Filed 2/25/03, Notice 11/27/02—published 3/19/03, effective 4/23/03]

### CHAPTER 2

#### DUTIES

**435—2.1(216A) Information.** The commission gathers and distributes information through its office in the Lucas State Office Building, Des Moines, Iowa 50319.

**435—2.2(216A) Authority.** The administrator carries out the program and policies as determined by the commission. The commission holds hearings, adopts rules, enters into contracts, accepts grants, and seeks advice and counsel outside its membership in the performance of its duties which are to:

1. Serve as the central permanent agency for the development of services for women and act as a clearinghouse on present programs and agencies that operate to assist women.

2. Publish and disseminate information relating to women, develop educational programs, and conduct conferences.

3. Provide assistance to organized efforts by communities, organizations, associations, and other groups working toward the improvement of the status of women.

4. Assist governmental agencies in equalizing and expanding opportunities and rights of women and join in efforts of public and private agencies to study and resolve problems relating to the status of women.

These rules are intended to implement Iowa Code section 216A.54.

[Filed without Notice 10/16/75—published 11/3/75]

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### CHAPTER 3

#### IOWA WOMEN'S HALL OF FAME

**435—3.1(216A) Purpose.** The purpose of the Iowa Women's Hall of Fame shall be to recognize significant achievements of Iowa women and to educate the public by identifying those whose efforts have enhanced and improved the quality of life for women in Iowa, the community, state, nation or world, or a particular profession or discipline.

**435—3.2(216A) Committee.** The Iowa Women's Hall of Fame committee shall consist of three commissioners, one serving as the committee chair; two public members appointed by the committee chair; and the commission chair ex officio.

**435—3.3(216A) Selections procedure.** The committee shall solicit nominations for the Iowa Women's Hall of Fame. The committee shall recommend to the commission for its approval no more than four individuals to be inducted into the Iowa Women's Hall of Fame. The committee shall plan the ceremony and reception each year for the Iowa Women's Hall of Fame.

**435—3.4(216A) Cristine Wilson Medal for Equality and Justice.** The Cristine Wilson Medal for Equality and Justice shall memorialize the efforts and accomplishments of the commission's first chairperson. The medal is awarded on an intermittent basis to persons whose work is deemed outstanding and a significant contribution to Iowa's recognition as a state characterized by equality and justice. The Iowa Women's Hall of Fame committee shall make recommendations to the commission for persons to receive this award.

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### CHAPTER 4

#### PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

**435—4.1(22) Adoption by reference.** The commission adopts by reference 421—Chapter 2, Iowa Administrative Code.

**435—4.2(22) Custodian of records.** The custodian for the records maintained by this division is the division administrator.

These rules are intended to implement Iowa Code chapters 17A and 22 and section 216A.6.  
[Filed emergency 8/19/88 after Notice 5/18/88—published 9/7/88, effective 8/19/88]

### CHAPTER 5

#### IOWANS IN TRANSITION

**435—5.1(216A) Definitions.** “*Iowan in transition*” means an individual who is unemployed or underemployed, and who has had, or would apparently have, difficulty finding appropriate paid employment; and

1. Is a displaced homemaker who has worked principally in the home providing unpaid household services for family members, and is or has been

\* Dependent on the income of another family member but is no longer supported by that income, or

\* Dependent on government assistance, or

\* Supported as the parent of a minor; or

2 Is a single parent; or

3. Is a female offender, or a female who has a record of criminal offense.

**435—5.2(216A) Program eligibility.** In any year in which the legislature appropriates funds, the department of human rights division on the status of women shall provide moneys for certain selected programs to provide services to Iowans in transition. The amount of money provided shall be contingent upon the amount of funds available. Programs shall include the provision of intake, assessment, planning and personal counseling services. Only nonprofit organizations or governmental units are eligible.

**435—5.3(216A) Proposals.** Agencies wishing to apply for funding shall submit a funding proposal to the division. Proposals shall contain all the information specified in the request for proposals (RFP).

**435—5.4(216A) Selection of proposals.** The division administrator shall appoint an advisory committee of no fewer than five persons. All proposals received will be evaluated by the advisory committee and the division administrator to determine which agencies will receive grants. Agencies submitting applications for continuing programs which have demonstrated both a need and the ability to effectively operate the program will be given first consideration for funds. The division administrator shall make the final decision with respect to the expenditure of funds. The applicant may be requested to modify the proposal through the contracting process. The following factors will be considered in selecting proposals:

1. The demonstrated need for the service in the program area serviced;

2. The community support demonstrated and the relationship to existing agencies;

3. The emphasis of the plan on helping clients achieve economic self-sufficiency through education, training, and job placement in conjunction with other agencies;

4. The general program structure including, but not limited to, how well goals can be met, how realistic the objectives are, the administration of funds, stability of the organization, the overall quality in comparison to other proposals and the services offered; and

5. The plan for using the funds; funds may be used for salaries, fringe benefits, contract services, job-related travel, and operational expenses.

**435—5.5(216A) Appeal procedure.** The following appeal and hearing procedure shall be used:

1. An applicant denied assistance or who wishes to file a complaint about the Iowans in transition program has ten days from the date of denial or complaint action to submit an appeal in writing to the administrator of the division on the status of women.

2. The administrator and the advisory committee will respond with a decision within ten days of receipt of the appeal or complaint.

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**435—5.6(216A) Program reports.** Grantees shall submit program performance reports to the division on the status of women as prescribed in the contract.

These rules are intended to implement Iowa Code sections 216A.57 and 216A.58.

[Filed 5/17/91, Notice 2/20/91—published 6/12/91, effective 7/17/91]

[Filed 4/1/99, Notice 2/24/99—published 4/21/99, effective 5/26/99]

[Filed 4/27/01, Notice 3/21/01—published 5/16/01, effective 7/1/01]

[Filed 2/25/03, Notice 11/27/02—published 3/19/03, effective 4/23/03]

### CHAPTER 6

#### MENTOR ADVISORY BOARD

Transferred to Workforce Development Department as 345—Chapter 15 in compliance with 1996 Iowa Acts, Senate File 2409, section 16, IAC Supplement 7/17/96, effective 7/1/96.

### CHAPTER 7

#### DECLARATORY ORDERS

**435—7.1(17A) Adoption by reference.** The commission on the status of women hereby adopts the declaratory orders segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(designate agency)”, insert “division on the status of women”.

2. In lieu of the words “(designate office)”, insert “Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

3. In lieu of the words “(AGENCY NAME)”, insert “DIVISION ON THE STATUS OF WOMEN”.

4. In lieu of the words “\_\_\_\_\_ days (15 or less)”, insert “10 days”.

5. In lieu of the words “\_\_\_\_\_ days” in subrule 6.3(1), insert “20 days”.

6. In lieu of the words “(designate official by full title and address)”, insert “Administrator, Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

7. In lieu of the words “(specify office and address)”, insert “Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

8. In lieu of the words “(agency name)”, insert “division on the status of women”.

9. In lieu of the words “(designate agency head)”, insert “administrator”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

### CHAPTER 8

#### PETITIONS FOR RULE MAKING

**435—8.1(17A) Adoption by reference.** The commission on the status of women hereby adopts the petitions for rule making segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(designate office)”, insert “Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

2. In lieu of the words “(AGENCY NAME)”, insert “DIVISION ON THE STATUS OF WOMEN”.

3. In lieu of the words “(designate official by full title and address)”, insert “Administrator, Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

### CHAPTER 9

#### AGENCY PROCEDURE FOR RULE MAKING

**435—9.1(17A) Adoption by reference.** The commission on the status of women hereby adopts the agency procedure for rule making segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(commission, board, council, director)”, insert “administrator”.

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2. In lieu of the words “(specify time period)”, insert “one year”.
3. In lieu of the words “(identify office and address)”, insert “Administrator, Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
4. In lieu of the words “(designate office and telephone number)”, insert “the administrator at (515)281-4461”.
5. In lieu of the words “(designate office)”, insert “Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
6. In lieu of the words “(specify the office and address)”, insert “Division on the Status of Women, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319”.
7. In lieu of the words “(agency head)”, insert “administrator”.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202.

[Filed 4/29/99, Notice 3/24/99—published 5/19/99, effective 6/23/99]

### CHAPTER 10 WAIVER RULES

**435—10.1(17A) Definition.** The term “waiver” as used in this chapter means a prescribed waiver or variance from a specific rule or set of rules of this division applicable only to an identified person on the basis of the particular circumstances of that person.

**435—10.2(17A) Scope of chapter.** This chapter creates generally applicable standards and a generally applicable process for granting individual waivers from rules adopted by the division in situations when no other more specifically applicable law provides for waivers. To the extent another more specific provision of law purports to govern the issuance of a waiver from a particular rule, the more specific waiver provision shall supersede this chapter with respect to any waiver from that rule.

**435—10.3(17A) Applicability.** This chapter applies only to waivers of those division rules that are within the exclusive rule-making authority of the division. This chapter shall not apply to rules that merely define the meaning of a statute, or other provisions of law or precedent, if the division does not possess statutory authority to bind a court, to any extent, with its definition.

**435—10.4(17A) Compliance with law.** The division may not issue a waiver under this chapter unless (1) the legislature has delegated authority sufficient to justify the action; and (2) the waiver is consistent with statute and other provisions of law. No waiver may be granted under this chapter from any mandatory requirement imposed by statute.

**435—10.5(17A) Criteria for a waiver.** The division may issue an order, in response to a completed petition or on its own motion, granting a waiver from a rule adopted by the division, in whole or in part, as applied to the circumstances of a specified person, if the division finds that the waiver is consistent with rules 10.3(17A) and 10.4(17A) of this chapter, that the waiver would not prejudice the substantial legal rights of any person, and either that:

1. The application of the rule to the person at issue does not advance, to any extent, any of the purposes for the rule or set of rules; or
2. The following criteria have been met:

\*The application of the rule or set of rules to the person at issue would result in an undue hardship or injustice to that person; and

\* The waiver on the basis of the particular circumstances relative to the specified person would be consistent with the overall public interest.

In determining whether a waiver would be consistent with the public interest, the division administrator shall consider whether, if a waiver is granted, the public health, safety, and welfare will be adequately protected by other means that will ensure a result that is substantially equivalent to full compliance with the rule.

**435—10.6(17A) Division discretion.** The final decision to grant or deny a waiver shall be vested in the division administrator. This decision shall be made at the discretion of the division upon consideration of relevant facts.

**435—10.7(17A) Burden of persuasion.** The burden of persuasion shall be on the petitioner to demonstrate by clear and convincing evidence that the division should exercise its discretion to grant a waiver based upon the criteria contained in rule 10.5(17A) of this chapter.

**435—10.8(17A) Contents of petition.** A petition for a waiver shall include the following information where applicable and known to the requester:

1. The name, address, and telephone number of the entity or person for whom a waiver is requested and the case number of any related contested case.

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2. A description and citation of the specific rule or set of rules from which a waiver is requested.

3. The specific waiver requested, including a description of the precise scope and operative period for which the petitioner wants the waiver to extend.

4. The relevant facts that the petitioner believes would justify a waiver. This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts represented in the petition and a statement of reasons that the petitioner believes will justify a waiver.

5. A history of any prior contacts between the petitioner and the division relating to the activity affected by the proposed waiver, including any notices of violation, contested case hearings, or investigative reports relating to the activity within the past five years.

6. Any information known to the requester relating to the division's treatment of similar cases.

7. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.

8. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

9. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

10. Signed releases of information authorizing persons with knowledge of the waiver request to furnish the division with information relevant to the waiver.

**435—10.9(17A) Additional information.** Prior to issuing an order granting or denying a waiver, the division may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the division may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and a representative from the division to discuss the petition and surrounding circumstances.

**435—10.10(17A) Notice.** The division shall acknowledge the petition upon receipt. The division shall ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the division may give notice to other persons. To accomplish this notice provision, the division may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the division attesting to the fact that notice has been provided.

**435—10.11(17A) Hearing procedures.** The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver of a rule or set of rules filed within a contested case and shall otherwise apply to division proceedings for a waiver only when the division so provides by rule or order or is required to do so by statute or other binding law.

**435—10.12(17A) Ruling.** An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative time period of a waiver if one is issued.

**435—10.13(17A) Conditions.** The division may condition the granting of the waiver on such conditions that the division deems to be reasonable and appropriate in order to achieve the objectives of the particular rule in question through alternative means.

**435—10.14(17A) Time for ruling.** The division shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, then the division may grant or deny the petition at the time the final decision in that contested case is issued.

**435—10.15(17A) When deemed denied.** Failure of the division to grant or deny a petition within the required time period shall be deemed a denial of that petition by the division. However, the division shall remain responsible for issuing an order denying a waiver as required by rule 10.12(17A).

**435—10.16(17A) Service of orders.** Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of the law.

**435—10.17(17A) Record keeping.** Subject to the provisions of Iowa Code section 17A.3(1) "e," the division shall maintain a record of all orders granting and denying waivers under this chapter. All final rulings in response to requests for waivers shall be indexed and copies distributed to members of the administrative rules review committee upon request. All final rulings shall also be available for inspection by the public at the division office during regular

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business hours.

**435—10.18(17A) Cancellation of a waiver.** A waiver issued by the division pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the division issues an order finding any of the following:

1. The person who was the subject of the waiver order withheld from the division or knowingly misrepresented to the division material facts relevant to the propriety or desirability of the waiver; or
2. The alternative means of ensuring that the public health, safety, and welfare will be adequately protected after issuance of the waiver order has been demonstrated to be insufficient, and no other means exists to protect the substantial legal rights of any person; or
3. The subject of the waiver order has failed to comply with all of the conditions contained in the order.

**435—10.19(17A) Violations.** A violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

**435—10.20(17A) Defense.** After the division issues an order granting a waiver, the order shall constitute a defense, within the terms and the specific facts indicated therein, for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

**435—10.21(17A) Appeals.** Appeals within the division from a decision granting or denying a waiver shall be in accordance with Iowa Code chapter 17A and division rules. These appeals shall be taken within 30 days of the issuance of the ruling granting or denying the waiver request, unless a different time is provided by rule or statute. These rules are intended to implement Executive Order Number 11 and Iowa Code section 17A.9A.

[Filed 3/30/01, Notice 2/21/01—published 4/18/01, effective 5/23/01]