

OFFICIAL MINUTES
MEETING OF THE STATE BOARD OF EDUCATION
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
TRUSTEES OF IDAHO STATE UNIVERSITY
TRUSTEES OF LEWIS-CLARK STATE COLLEGE
TRUSTEES OF BOISE STATE UNIVERSITY
STATE BOARD FOR VOCATIONAL EDUCATION

January 25-26, 1999
Boise State University - SUB
Boise, Idaho

Call To Order

The meeting notice was posted and distributed in compliance with Idaho Open Meeting Law requirements. With a quorum present, the meeting was lawfully convened at 1:00 p.m. on January 25, 1999, and at 8:00 a.m. on January 26, 1999 with Dr. Thomas E. Dillon, President of the State Board of Education and Board of Regents of the University of Idaho, presiding.

Members Present

Thomas E. Dillon, President
Harold W. Davis, Vice President
Jerry Hess, Secretary
Tom Boyd
Curtis H. Eaton
Marilyn Howard, State Superintendent of Public Instruction
Carole McWilliam
Judith C. Meyer

Members Absent

All exhibits, appendices and items referenced in these minutes are on file as permanent exhibits with the Office of the State Board of Education.

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Compensated days spent on Board business by members of the State Board of Education/Board of Regents of the University of Idaho for the month of January, 1999:

Thomas Dillon 01/21,24-26,28,29	Days 4.5	Curtis H. Eaton 01/21	Days 1.0
Jerry Hess 01/13,24-26	Days 3.0	Judith C. Meyer 01/11-13,21,24-27	Days 7.5
Tom Boyd 01/21,24-27	Days 5.0	Harold W. Davis 01/24	Days 1.0

Non-compensated days spent on Board business by members of the State Board of Education/Board of Regents of the University of Idaho for the month of January, 1999:

Curtis H. Eaton 01/24-26	Days 3.0	Marilyn Howard 01/21,25,26	Days 2.5
Carole McWilliam (compensation paid to Pocatello SD) 01/13,24-26	Days 4.0	Harold W. Davis 01/05,25,26	Days 2.5

Persons meeting with the State Board of Education/Board of Regents of the University of Idaho:

Office of the State Board of Education

Gregory G. Fitch, Executive Director
Robin A. Dodson, Chief Academic Officer
Kevin Satterlee, Chief Legal Officer
Keith Hasselquist, Chief Fiscal Officer
Jerry Engstrom, Management Information Officer
Mike Killworth, Policy and Planning Officer
Lydia Guerra, State Exiting Standards Coordinator
Laurie Boston, Public Information Officer

State Department of Education

Robert West, Chief Deputy Superintendent
Jerry Pelton, Deputy Superintendent
Don Robertson, Chief Legal Officer
Allison Westfall, Public Information Officer

Idaho Public Television

Peter Morrill, General Manager

Idaho School for the Deaf and the Blind

Ron Darcy, Superintendent

Division of Vocational Education

Mike Rush, Administrator
Kirk Dennis, Chief Fiscal Officer

Division of Vocational Rehabilitation

Floyd Young, Administrator
Richard Sloneker, Chief Fiscal Officer

Boise State University

Charles Ruch, President
Daryl Jones, Provost
Harry Neel, Financial Vice President & Bursar
Brent Winiger, Budget Officer

Eastern Idaho Technical College

Miles LaRowe, President
Luke Robbins, Dean of Instruction
Robert Smart, Finance Officer

Idaho State University

Richard L. Bowen, President
Jonathan Lawson, Academic Vice President
Robert W. Pearce, Financial Vice President

Lewis-Clark State College

James W. Hottois, President
Rita Rice Morris, Provost/Vice President for Academic Affairs
Dean A. Froehlich, Financial Vice President

University of Idaho

Robert A. Hoover, President
Brian L. Pitcher, Provost, Academic Affairs
Jerry Wallace, Financial Vice President

College of Southern Idaho

Gerald Meyerhoeffer, President,
Gerald Beck, Vice President of Instruction
J. Mike Mason, Dean of Finance

North Idaho College

Michael Burke, President
Jerry Gee, Dean of Instruction
Rolly Jurgens, Dean of Administration

Others

Amanda Horton
Randy Geller
Tom Farley
Rod McKnight
Rick Phillips
Tom Luna
Darrell Marks
Larry Andrews
Senator Robert Lee

BOARDWORK

1. Agenda Approval

It was moved by Ms. Meyer, seconded by Dr. McWilliam and carried to approve the agenda with the following additions: (Motion #1)

1. Boise - Meridian Boundary Change Approval
2. Setting of February LAC Teleconference Meeting
3. Board discussion regarding JFAC.

2. Minutes Approval

It was moved by Mr. Davis, seconded by Ms. Meyer and carried to approve the October, November and December, 1998 minutes as written. (Motion #2)

3. Rolling Calendar

It was moved by Dr. McWilliam, seconded by Ms. Meyer and carried to approve the dates that coincide with the JFAC hearings and Boise State University as the meeting location for the January, 2000 Board meeting. (Motion #3)

Boardwork materials on file as Exhibit #1 with the Office of the State Board of Education.

PERSONNEL/STUDENT AFFAIRS COMMITTEE

1. Minutes of the October and November, 1998 Meetings

The minutes were approved in committee.

2. Routine Institution/Agency Agenda Items

It was moved by Dr. Dillon, seconded by Dr. Howard and carried to approve the Personnel/Student Affairs Committee Routine agenda items for the Office of the State Board of Education, Idaho Public Television, the Idaho School for the Deaf and the Blind, Boise State University, Eastern Idaho Technical College, Idaho State University, Lewis-Clark State College and the University of Idaho. (Motion #29)

3. Non-Routine Agendas

It was moved by Dr. Dillon, seconded by Ms. Meyer and carried to approve the Non-Routine agenda items: Idaho State University - Appointment of Howard Gauthier, Lewis-Clark State College - Transfer to Frontier Athletic Conference, University of Idaho - Appointment of Kenneth W. Bayless. (Motion #31)

Boise State University

Item 2.8 Athletic Reappointment - Dirk Koetter

Dr. Dillon said the committee reviewed the contract and recommended approval.

Dr. Dillon asked Dr. Ruch to speak to the Board regarding the Liquidated Damages clause in the contract. Dr. Ruch said the \$10,000 was negotiated to help in the search for a new coach and parallels the amount currently in effect at another state institution.

Mr. Eaton asked if the Boise State community supported the contract. Dr. Ruch replied that the community was supportive and that during the committee meeting, the faculty president had spoken in favor of the contract.

Mr. Eaton asked Dr. Ruch if under the Termination for Cause clause, it would be possible for the coach to have no wins but for BSU to still have to pay the entire damage as if the contract were completed. Dr. Ruch said his understanding is that there are bonuses for winning, but there are not punishments for losing and should BSU wish to buy the coach out, they would have to pay the amounts listed in the contract. Mr. Eaton asked if lack of performance was a reason for termination in other BSU contracts. Dr. Ruch said it could be, but with this contract other aspects such as the players' academic performance would also have to be taken into consideration.

Mr. Eaton asked for the source of the funds to pay the salary, i.e. reallocation. Dr. Ruch said the salary will come from appropriated funds, within Board policy, and was not reallocated money. However, interest earnings have been used and that information was reported to the Finance Committee.

It was moved by Dr. Dillon, seconded by Mr. Boyd and carried to approve the February 1, 1999 - January 31, 2003 Employment Agreement for Dirk Koetter, Head Football Coach at Boise State University. (Motion #30)

Idaho State University

Item 2.8 Athletic Appointment - John Larry Lewis

Mr. Eaton asked if merit raises would be brought to the Board for review. Dr. Dillon said it was discussed in the committee meeting and agreed that all pay increases in athletic contracts would be brought to the Board each year.

It was moved by Dr. Dillon, seconded by Ms. Meyer and carried to approve the December 9, 1998 - November 30, 2001 Employment Agreement for John Larry Lewis, Head Football Coach at Idaho State University. (Motion #32)

4. Final Reading: Executive Council Changes

It was moved by Dr. Dillon, seconded by Mr. Boyd and carried to approve the Final Reading of the requested policy changes. (Motion #33)

5. Final Reading: EITC Reporting

It was moved by Dr. Dillon, seconded by Ms. Meyer and carried to approve the Final Reading of the requested policy changes. (Motion #34)

6. Forum

Agency Heads - Dr. Mike Rush advised the committee that there is a federal funding requirement that the SDVE develop a new five-year plan, and that is being done. A presentation will be made at the March Board meeting.

Student Body Presidents - Dr. Dillon advised the Board that Mr. Mike Willits, ASISU President, gave a presentation to the committee on ISU student activities.

Personnel/Student Affairs Committee agenda on file as Exhibit #5 with the Office of the State Board of Education.

ACADEMIC AFFAIRS/PROGRAM COMMITTEE

1. Minutes of the November, 1998 Meeting
Approved in committee.
2. Minutes of the October, 1998 CAAP Meeting
Approved in committee.
3. First Reading: Experiential Learning Policy
Pulled for additional committee review.
4. First Reading: Articulation and Associate Degree Policy
Pulled for additional committee review.
5. New Programs
 - a. NOI: A.S., Sign Language Studies, ISU and CSI

Dr. McWilliam asked Dr. Howard to look at why a person who receives a degree in signing and is certified to teach through Special Ed Funds, but is teaching to regular students, has to go through the entire certification process. She felt that was an area the Board needed to review.

Ms. Meyer said the program could be shared via telecommunications in the southern part of the state, but due to equipment limitations, it could not be utilized in the north. She suggested the Legislative Committee, working with the Board, continue championing the expansion of technology. Mr. Davis said the major problem with expansion was expense and felt they should talk to the legislature about increased funding.

Mr. Eaton suggested the topic be placed on the next agenda and that experts from around the state be brought in to describe the situation. Dr. Dillon agreed and said he would do so.

It was moved by Mr. Eaton, seconded by Dr. McWilliam and carried to approve the Associate of Science, Sign Language Studies NOI submitted by Idaho State University and the College of Southern Idaho. (Motion #4)

- b. NOI: B.S., Educational Interpreting, ISU and CSI

It was moved by Ms. Meyer, seconded by Dr. McWilliam and carried to approve the Bachelor of Science, Educational Interpreting NOI submitted by Idaho State University and the College of Southern Idaho. (Motion #5)

- c. NOI: A.A.S. and Technical Certificate, Human Services Associate, CSI

It was moved by Ms. Meyer, seconded by Mr. Davis and carried to approve the A.A.S. and Technical Certificate, Human Services Associate NOI submitted by the College of Southern Idaho. (Motion #6)

- d. NOI: A.S., Mathematics and A.S., Political Science, ISU

It was moved by Ms. Meyer, seconded by Dr. McWilliam and carried to approve the A.S., Mathematics and A.S., Political Science NOI submitted by Idaho State University. (Motion #7)

6. Capacity Definition

At the November 1998 Board meeting, the question of how to define or determine capacity was raised within the context of the broader discussions of Information Technology Programs, Program Capacity and Non-Resident Tuition and WUE tuition waivers. The Council on Academic Affairs met on December 9, discussed the issue and presented the following draft definition to the Board:

"Capacity has been characterized by various components which support and foster the acquisition of knowledge, as well as the pursuit of intellectual and personal development of students. Those components include faculty, financial resources, student support services, library and information support services, physical resources, and personnel and administrative support."

Mr. Hess asked if the schedule on Page 31 of the AA/PC agenda for Nursing Education Programs could be used for all programs as he felt the format gave a definite feel for capacity. There was general discussion on how to accurately define capacity.

Dr. Dillon asked the AA/PC to look at identifying the different areas and to try to get the issue more organized. He also asked that they breakout the areas where incentives are applied. Ms. Meyer asked that telecommunications be included.

7. Nursing Education

The results of a survey conducted on nursing education programs in Idaho resulted in the recommendation that the Board encourage its staff, the State Division of Vocational Education,

the State Department of Education and the institutions to continue to work with other interested parties to determine the nursing needs of the state.

8. Articulation Progress Report

A report will be given at the March meeting.

Academic Affairs/Program Affairs Committee agenda on file as Exhibit #2 with the Office of the State Board of Education.

FINANCE COMMITTEE

1. Minutes of the November, 1998 Meeting

Approved in committee.

2. Routine Institution/Agency Agenda Items

It was moved by Mr. Hess, seconded by Dr. McWilliam and carried to approve the Finance Committee Routine agenda items for the Idaho School for the Deaf and the Blind, Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho. (Motion #8)

3. Non-Routine Institution/Agency Agenda Items

Lewis-Clark State College

Item 4.8.1: Bank Loan for Capital Expenditures

LCSC requested approval to renew a revolving loan agreement with First Security Bank for a two-year time period. The loan will provide LCSC with a financing mechanism for the purchase of real property, equipment and other capital expenditures. Each purchase for which the loan agreement will be used will be subject to Board policy and approval, if necessary, at the time of purchase. There is no fiscal impact of the agreement; it is a pre-approved financing mechanism.

It was moved by Mr. Hess, seconded by Dr. McWilliam and carried to approve Lewis-Clark State College's request to renew a revolving loan agreement with First Security Bank. (Motion #9) Mr. Eaton abstained.

Idaho State University

Item 4.10: Acquisition and Disposal of Real Property

ISU requested approval to purchase and/or receive by donation, residential building lots for use in the School of Applied Technology (SAT) Building Construction Program, to construct single-family dwellings for the purpose of training students, to sell properties upon completion and to establish a local revolving account in the SAT wherein the proceeds from any sale will be used to pay for lots, building materials, supplies and required contract services for current and subsequent projects.

It was moved by Mr. Hess, seconded by Dr. McWilliam and carried to approve the

request from Idaho State University 1) to purchase (at no more than appraised value), and/or receive by donation, residential building lots for use in the School of Applied Technology (SAT) Building Technology Construction Program; 2) for authority to construct single-family dwellings on said building lots for the purpose of training students of the Building Construction Technology Program; 3) for authority to sell said properties upon completion via sealed bids at not less than appraised value; and, 4) for authority to establish a local revolving account in the SAT, wherein the proceeds from any sale will be used to pay for building materials, supplies and required contract services. (Motion #10)

University of Idaho

Item 4.8.1: Agreement with Washington State University

The National Collegiate Athletic Association has established attendance and seating requirements as a condition of granting Division I-A football team status to the UI. Those requirements cannot presently be met at the ASUI Kibbie Center. The proposed cooperative arrangement enables the UI to comply with the requirements while long-term strategies are being developed.

The agreement outlines the terms and conditions under which UI will play home games at Washington State University's (WSU) Martin Stadium and have use of other specified WSU support facilities for a period of five years beginning in Fall, 1999, with provision for termination by mutual agreement.

UI will pay WSU a negotiated fee per game for use of the stadium and will reimburse WSU for operating expenses as provided in the agreement. All costs will be paid from athletic program revenues. Mr. Hess said the fee per game would vary, but would not exceed \$25,000.

It was moved by Mr. Hess, seconded by Ms. Meyer and carried to approve the University of Idaho's license agreement with Washington State University for use of Martin Stadium, and authorize the Vice President of Finance and Administration to execute the agreement. (Motion #11)

Item 4.8.2: Issuance of Bonds

The UI requested authorization for Issuance of Bonds for the following:

1. Approximately \$20,165,000 in tax-exempt revenue bonds to finance construction of the Student Recreation Center.
2. Approximately \$1,490,000 in tax-exempt revenue bonds to redeem the prior debt for the Elmwood Apartments.
3. Increase the Student Recreation Center Fee to \$82 per semester, as endorsed by a

- student referendum, approved by the President, to be assessed beginning Fall 2001, concurrent with the occupancy of the facility.
4. Proceed with the Student Recreation Center Project. Approval of this project includes approval to enter into contracts with architects, engineers and construction contractors, as necessary, to accomplish the project.

Mr. Hess said the requests were in the master plan and had committee approval.

Mr. Davis asked if debt service could be shown as a line entry. Mr. Hess replied that they are working on a format which would show student fees attributed for debt service for capital improvements and to quantify what they go for and the amounts. He felt they would be able to provide that type of information at a later meeting.

Mr. Eaton said they just finished preparing a chart which shows Present Fund Indebtedness and the Source of Funding. Board members will be sent a copy.

It was moved by Mr. Hess, seconded by Mr. Boyd and carried to approve the University of Idaho's request to find the projects to be necessary for the proper operation of the institution and economically feasible; and to approve the Series 1999 Bond Resolution (Recreation Center Project), to approve the Series 1999A Bond Resolution (Elmwood), to ratify the Student Recreation Center Fee beginning Fall 2001, and authorization to proceed with the Student Recreation Center Project. (Motion #12) Mr. Eaton abstained.

Item 5.1.1: Re-Roof Art & Architecture East Building

The UI requested approval to re-roof the Art and Architecture East Building, using available funds from the SBOE Project Contingency Reserve Account. Approval includes approval to enter into contracts with architects, engineers and construction contractors, as necessary, to accomplish the project beginning this fiscal year.

The project will include re-roofing the south portion of the building with a metal roof and developing a gable roof over the north half to match the south portion. Design will be completed during Spring 1999 with work scheduled to begin in May 1999. A Form B and Request for Emergency Funding from the SBOE Project Contingency Reserve has been forwarded to the Board office.

Estimated cost of the project, including architectural/engineering fees, reimbursables and contingency, is \$155,000, which was requested from the SBOE Project Contingency Reserve. The property was acquired in 1995 and it was not known at the time that the repairs would be needed.

Mr. Hess said the committee asked the staff to develop a policy on how to deal with

unexpended, surplus Maintenance and Operation funds, etc. When written, it will be brought to the Board.

Dr. Dillon asked that each institution prepare reports on their maintenance policy, i.e. how it is funded and the status. Mr. Hasselquist said there was a guideline which asked that each institution's budget have a maintenance amount of 1.5 percent of the replacement value to cover routine maintenance and 1.5 percent to cover larger projects, which go through the Division of Public Works.

It was moved by Mr. Hess, seconded by Mr. Eaton and carried to approve the University of Idaho's request to re-roof the Art and Architecture East Building and approval of the request to use the Board's contingency fund for the project. (Motion #13)

4. Revised Intercollegiate Athletic Report

Board policy requires an annual financial report on Intercollegiate Athletics. A report was submitted to the Board in November. However, due to recent events affecting the budgets, the institutions were asked to provide updates.

Mr. Hess reviewed the updated Analyses of Revenue and said the committee asked for clarification of the "Other" category. The committee asked the staff to work with the institutions to quantify and develop a process so they can identify where the funds come from. A report will be brought back to the Board at a future date, possibly in March.

Mr. Hess said he felt there was the perception that athletics were self-supporting, but it appears that it is necessary to reallocate money from other sources to athletic programs.

5. First Reading: Waiver of Non-resident Tuition-Disadvantaged or Deserving Students

In an attempt to increase enrollment in programs with capacity, the Board directed the staff to begin the process of increasing the number of non-resident tuition waivers. The Presidents' Council recommended the waivers be increased to 3 percent of the institution's full-time equivalent enrollment.

Beginning in November 1999, the presidents will provide an annual progress report, identifying both the positive and the negative implications.

It was moved by Mr. Hess, seconded by Dr. McWilliam and carried to approve for First Reading a change in Board policy to increase nonresident tuition waivers for disadvantaged or deserving students from one percent to three percent of the institution's full-time equivalent enrollment. (Motion #14)

6. First Reading: Lump Sum Appropriation

In November the Board discussed means of providing incentives to the institutions to increase student enrollment for information technology personnel. The proposed policy change will increase the reimbursement the institutions receive for students enrolled in Computer and Information Science programs by increasing the weights to Level IV for credit hours taken. The proposed change will affect a specific standard of instructional program. Additional information technology programs exist at the six-digit CIP level; however, this policy change affects only CIP code II.

It was moved by Mr. Hess, seconded by Mr. Eaton and carried to approve for First Reading the Board policy changing the weights for credit hours generated in CIP Code II as presented in the exhibit. (Motion #15)

7. First Reading: Gifts and Institutional Foundations

The Board acknowledged appreciation for the support provided to the institutions by the foundations. To ensure the Board is aware of activity planned by the institutions and foundations, a policy addition was proposed to require the institutions to notify the Board of an intent to acquire property from their foundations.

It was moved by Mr. Hess, seconded by Ms. Meyer and carried to approve for First Reading the change in Board policy requiring institutional presidents to report to the Board potential land acquisition plans of the institutions' foundations. (Motion #16)

8. Report on Year 2000 Computer Systems

In November the institutions were asked to provide a report on their preparedness for potential computer problems on January 1, 2000. The reports were included in the exhibit, with the exception of BSU and LCSC whose reports were not submitted.

Mr. Hess said the committee felt there needed to be certification by each institution that they have addressed potential Y2K problems. The topic will remain on the committee's agenda until all problems have been addressed.

Finance Committee agenda on file as Exhibit #3 with the Office of the State Board of Education.

LEGISLATIVE AFFAIRS COMMITTEE

1. Minutes of the November Meeting

Approved in committee.

2. Videoconference with Legislators

Mr. Eaton said the best dates for IPTV are: April 29, May 20 and May 27. He asked Board members to get their preference to the staff by January 29. Dr. Dillon asked the staff to get in touch with the Chairs of the Education Committees to determine which dates will work for them.

3. Proprietary School Legislation Sunset

Mr. Satterlee is writing a proposal to extend the sunset provision. He said the extension of the provision relates to the portion of the statute that vests in the State Board of Education the discretion of whether or not to accept courses and credits from non-accredited institutions into Idaho's public postsecondary institutions. Additionally, there are several changes regarding credits, degrees, etc., and suggested changes to increase the bond requirement and student tuition recovery account. The new legislation does not have a sunset provision.

It was moved by Mr. Eaton, seconded by Mr. Boyd and carried to support the proposed legislation extending the sunset provision of 33-107. (Motion #17)

4. School Boundary Legislation

Draft legislation is being prepared to allow for elections by patrons on both sides of the boundary line. The proposed legislation, with some modifications, is supported by the Idaho Association of School Administrators. The committee asked Mr. Satterlee to work with other interested parties in determining how to address the issue.

It was moved by Mr. Eaton, seconded by Mr. Boyd and carried to endorse the proposed legislation and forward it to the Legislature. (Motion #18)

5. Legislative Reading Committee Legislative Proposals

Dr. Howard said she is working to find a way to get to the essential elements of the legislation without harming current school funding, and recognize the far-reaching expectations of the bill. It is expected the legislation will include inservice training, and that there will be discussion on preservice education at the university level and on funding sources.

Mr. Eaton said one of the proposals that came to the Board last Fall was the hiring of a reading director and 12 regional administrators, but those positions are no longer a part of the proposal.

It was moved by Mr. Eaton, seconded by Ms. Meyer and carried to endorse the Legislative Reading Committee's legislative proposals. (Motion #19)

6. Idaho Education Technology Oversight Committee

In July 1998, Dr. Dillon and Senator Mel Richardson executed a Memorandum of Understanding to form the Idaho Education Technology Oversight Committee (IETOC). The committee was charged with making recommendations to the Idaho Council on Technology in Learning (ICTL) regarding ICTL organizational structure, staffing and funding. The IETOC made several recommendations for revision of state statutes, which were approved by the ICTL.

Mr. Eaton said the proposed legislation was brought to the LAC because the draft language was not in legislative form. Senator Richardson will recall the committee to clarify a minor problem, i.e. the draft has one of the members of the committee identified as a "public school librarian." The word "school" came into the draft in error so that individual should be identified as a "public librarian."

It was moved by Mr. Eaton, seconded by Ms. Meyer and carried to approve the legislation. (Motion #20)

7. Scholarship Legislative Proposal

See OTHER for discussion.

It was moved by Mr. Eaton, seconded by Mr. Boyd and carried to approve the Scholarship Committee's legislative proposal should it be introduced by a legislator. (Motion #21)

8. Selective Service Compliance Legislative Proposal

It has been proposed that the Selective Service requirement of registration for all males at age 18 be enforced through a registration process with the universities. Mr. Eaton said there are concerns with the proposal such as who would be responsible and what the exact responsibility of the universities would be. The committee recommended support of the efforts to introduce a new proposal that more clearly spells out responsibilities.

9. Hardship Schools

In October the Board approved a hardship status for the Newcomer's Elementary School in the Cassia County SD, contingent on Attorney General (AG) approval. The AG's opinion said the school did not fall into the category of a hardship school. Legislation is being proposed which will grant more discretion to the SBOE and allow it to determine what types of hardships to approve. The proposal includes a provision for a review of the decisions at least once every three years to ensure a hardship still exists.

It was moved by Mr. Eaton, seconded by Dr. McWilliam and carried to endorse the changes to *Idaho Code 33-1003* and forward them to the Legislature for action. (Motion #22)

10. First Reading: Legislative Committee

The Legislative Affairs Committee has operated for several years, but has not been formally incorporated into the Board's Policy Manual. An amendment to the Board's Bylaws to establish the committee had a First Reading in October 1996; a Final Reading was not scheduled. Due to the time that has elapsed and because the proposed policy change has been significantly altered since the First Reading, the change was presented again for First Reading.

It was moved by Mr. Eaton, seconded by Dr. McWilliam and carried to approve for First Reading the policy change related to the Legislative Affairs Committee. (Motion #23)

11. Legislative Update

Mr. Eaton said the Legislative Update Group will meet again on Friday afternoons. Information packets will be sent out to individuals who express a desire to participate.

12. Other

- 1) Mr. Pat Young requested permission to discuss with the Governor a preferential hiring policy for the disabled. Mr. Young was told to go forward with the discussion, but to come to the committee for legislation.
- 2) Representative Don Pischner attended the LAC meeting and suggested fee waivers for National Guard personnel. The LAC recommended support of the idea with no comment about the fiscal impact.

Dr. Dillon felt granting fee waivers to people in various groups would ultimately create financial difficulties for the institutions. Also, he did not want to get into the position of having to define disability or the inability to work. He said he

would support tuition waivers for the children of people killed in the line of duty, but would not support including whole categories of people.

Mr. Eaton said part of the tuition for National Guard people is now paid by the federal government and that if the proposal to waive tuition were enacted into legislation, approximately 50 percent of the current federal funding would cease. A review to find out the costs is being conducted.

It was moved by Mr. Eaton and seconded by Mr. Boyd to support the idea in principle, contingent upon the availability of new funding. **The motion failed.** (Motion #24)

- 3) Education benefits for dependents of killed or disabled police officers and firemen.

Mr. Killworth said the proposal will increase the benefits from \$800 per semester to the full amount, with an additional \$500 per semester for books.

It was moved by Mr. Eaton and seconded for the Board to endorse the legislation in principle, contingent upon the availability of funds. **A roll call vote was taken.** (Motion #25)

AYES: Dr. McWilliam, Mr. Boyd, Mr. Eaton, Dr. Dillon
NAYS: Ms. Meyer, Mr. Davis, Dr. Howard, Mr. Hess
ABSTAIN: None
ABSENT: None

The motion failed.

- 4) HB11

There is current legislation which gives \$100,000 in Appropriated Funds to the Department of Fish and Game (DFG), which is then required to give it to the UI Caine Center in Canyon County. The money is to be used by the Caine Center for research on diseases that may be contracted between domestic and wild animals, with the exact use of the funds coordinated by DFG Veterinarians. This legislation proposes that the \$100,000 shall not be transferred to the Caine Center.

The LAC recommended the Board not endorse the legislation.

It was moved by Mr. Eaton, seconded by Ms. Meyer and carried that the Board not endorse the legislation. (Motion #26)

5) SB1011 - Lottery Income to School District Building Account

The legislation provides that income from the lottery go to the school district building account. The money would not be given to the Division of Public Works and would result in less money for higher education building projects.

The LAC recommended the Board not endorse the legislation.

It was moved by Mr. Eaton, seconded by Mr. Boyd and carried that the Board not endorse, but support efforts to find solutions to the school facilities problems. (Motion #27)

6) Technical Colleges' Advisory Committees

Representative Doug Jones will be submitting an RS proposing the creation of advisory committees for the technical colleges and a revamping of the advisory structure at EITC. The bill will provide for a seven-person board to advise the college/universities on strategic issues relating to technical education. The bill would also provide that the seven-member board would make annual reports to the SBOE.

Mr. Eaton said the committee felt it was too early to make a decision on the topic and asked that it be given to the 70 Percent Committee for review.

Mr. Boyd said he advised Representative Jones that the next meeting of the 70 Percent Committee wasn't until February 17. Representative Jones asked if the meeting could be moved up so the issue could be addressed.

Dr. McWilliam asked Dr. Miles LaRowe to speak to the role of the advisory boards now in existence. Dr. LaRowe said EITC presently has program advisory councils for each discipline as well as a fifteen-member advisory council for the college as a whole. Ms. Meyer asked the staff to prepare a list of councils that are already in place and forward that information to Representative Jones.

Dr. Dillon asked Dr. Mike Rush to speak to direct funding, i.e. how the funds flow to the institutions and how advisory boards impact vocational education. Dr. Rush said there is currently a extensive system of advisory councils/committees at the technical colleges. He said he would like the new collaborative effort to be given more time to work before inserting a legislative solution. He felt if an additional structure is needed, it should be proposed by the State Board of Education and if legislation is required, it be submitted by the Board.

Ms. Meyer asked for an explanation of the reporting process for current advisory boards. Dr. Rush replied that other than the EITC Advisory Council, which reports directly to the Board, there are two other types of advisory councils:

- 1) Statewide technical committees for specific subject areas which reviews programs and put together statewide plans.
- 2) Local institution programmatic committees. The committees report to the technical college leadership.

Additionally, there are also informal committees that local institutions have created where they get all of the advisory committees together and have an oversight advisory committee that provides input to the institution as a whole.

Mr. Eaton said he has talked to Representative Jones and told him the LAC would get input from the colleges to him.

It was moved by Mr. Eaton, seconded and carried to refer the topic to the 70 Percent Committee. (Motion #28)

OTHER

1. School Facilities

Dr. Dillon felt the system needed to be reviewed before the problem could be understood. He said the committee was charged with three things:

- 1) Extract the safety issue from the other issues in the 1993 study.
- 2) Assess the magnitude of the safety problem.
- 3) Bring together the people that can solve the problems.

Dr. Dillon felt the system needs to be changed in order to accomplish the goal of providing safe school environments. He felt safety problems should be identified and separated entirely from problems such as funding. And, if funding is the problem, the formula could be changed or other solutions presented so the districts can address their problem(s). He said he did not support the state taking over the maintenance of local facilities as it would reduce local control. He did feel that the state could take a one-time look at safety issues and devise a plan to resolve them.

Dr. Dillon felt if the Board could get an accurate assessment of the problems, it could make legislative recommendations so that a year from now there could be a plan to solve the problems.

Dr. Dillon suggested one solution would be to put in place a system to develop a SBOE safety bond, administered through the SBOE, to assist districts having funding problems. The SBOE would give the district the money to fix the problem and the money would be repaid either by the passing of a local bond or by a reduction in the amount of state funds given to the district.

Mr. Boyd commended the Board in bringing the issue forward so it is being addressed by both the Governor and the Legislature. He said he has reviewed the superintendents' responses to the survey and was surprised at the number of electrical problems that probably could be repaired at the local level, but have not. Other problems were buildings that were not designed to carry a heavy snow load which has resulted in a roof collapsing.

Mr. Davis felt many of the problems are caused because people are working in areas beyond their scope of expertise and make alterations that create problems. He said the school districts could save money by hiring qualified repairmen who may cost more, but have kept up with technological changes. He asked to see the survey report before going further and said he would like to tour some of the buildings.

Mr. Eaton said he supported investigating and acquiring information, but that defining a systematic approach to the problem needed to be developed. He felt the survey was identifying

problems, which may not be life threatening. He felt there should be a specific definition of life threatening problems so a distinction could be made. He also thought that where life threatening problems have been identified, but not addressed by the local district, the districts were saying that for whatever reason safety is not important and have decided, for whatever reason, putting money into a solution is less important than sending children to a safe school.

Mr. Eaton urged the Board to keep on the list all possible solutions and said he was not in favor of going further if the list was narrowed down to one solution.

Dr. Dillon said when the letter was sent to the superintendents, a decision was made as to who should identify the safety issues and it was determined to leave that decision to the superintendents with a verification process to be put in place to determine what issues are life-threatening. He felt a system needed to be developed which requires local districts to solve their safety problems.

Mr. Eaton said he would like the Board to adopt a position statement so everyone would know the problem and the methodology being followed.

Dr. Howard said the SDOE could be of assistance to local boards in identifying problems and solutions. They could also work with school districts on priority-based budgeting and assist them in determining how the district's resources could be best utilized.

Dr. Howard said there were two other items which needed to be looked at:

- 1) Determine who has the authority to declare a facility to be unsafe and to condemn and/or close a facility.
- 2) To authorize school districts to impose without voter approval a property tax health and safety levy to pay for the deficiencies.

Mr. Hess felt the discussion should include the Division of Public Works (DPW), the State Fire Marshall and Idaho's Life Safety Code. He was concerned that levees could be mandated to solve a perceived safety code problem. Dr. Dillon said the committee has met with DPW representative, Jack Raines, who has inspected many of the buildings. The committee asked him what happens when a problem is identified. He told the committee that although a school may have a problem or problems identified year after year, it still receives accreditation from the Board so nothing is done. Dr. Dillon felt that was indicative of a system problem.

Mr. Davis said that until he gets a report that characterizes safety issues only, he cannot tell whether it is a system problem or not. He asked when the report would be completed. Dr. Dillon said the report parameters had to be set and a decision made on who was to do it before it could be done. Mr. Davis said he thought a report would be generated as a result of the surveys recently sent out to superintendents. Dr. Dillon said a report could be compiled with the survey

information, however an inspector would have to be sent to each building listing problems before the items in the report can be accepted. Mr. Davis said his thoughts were that identification of problems would be left to the superintendents and there would not be inspections, but there would be a gleaning of non-safety issues from the data and a summary report prepared. Dr. Dillon said some of the problems identified by the superintendents probably were not life threatening, but he did not want to be the one to make that decision. Mr. Davis felt the superintendents had identified life threatening problems and their opinions should be accepted.

Mr. Boyd said the definition of what is life threatening had not been adequately addressed so that although the letter had stated the Board wanted life threatening problems identified, several superintendents had simply stated "needs electrical repairs" or "cracked sidewalks."

Dr. McWilliam felt the Board needed to define life threatening and determine who is going to do what. If the Board does not have the authority or power, they need to go to the Governor and let him know they support his actions. Dr. Dillon said he supported the Governor's idea of coming up with the \$200,000 so a group of people can make the necessary determinations.

Ms. Meyer felt the Board needed to have a written report on the definitions and methodology on how to approach the problems. Dr. Dillon suggested Mr. Boyd and the Senate Education Committee work with the Governor to take the \$200,000 to develop the definitions of life threatening, do an assessment of the districts and bring a report to the Board.

Mr. Davis said the issue that peaked during the videoconference meeting was the concern that condemned buildings were still being used. He said the decision on the buildings has been made and he thought those were the ones which were to be addressed. Dr. Dillon said the topic had extended further than condemned buildings and also addressed buildings that had not been condemned, but had life threatening problems.

Dr. Dillon was concerned that Motion #46 excluded the Senate and House. Mr. Eaton replied that one of the steps taken to address the problem is coordination with Representative Tilman, Senator Schroder, the Governor's staff and other people who need to be involved in the conversation. He felt the motion sets up a way to identify people who should be brought in as partners.

Mr. Boyd said he was not sure the Board should recommend how to fix the problem; he felt that should be left to the Governor and the Legislature. Mr. Eaton felt Mr. Boyd's statement was consistent with the motion, as the motion called for a statement of the issue and recommended steps to address it.

Dr. Dillon asked if the charges in the motion needed to be completed and brought back to the Board before any other steps are taken. Mr. Eaton said that was his intent. Dr. Dillon felt it was a good motion, but did not think the charges needed to be completed before additional work

is done. He expressed concern that waiting would derail the process.

Ms. Meyer did not think the motion would cause the momentum to be lost. She thought it was just pulling together the ideas and putting them into a statement. Dr. Dillon said he agreed, but did not want the momentum to stop while the statement and recommendations are being prepared. Ms. Meyer suggested a teleconference meeting be held as soon as the recommendations are ready.

Mr. Davis asked Mr. Eaton when he anticipated the charge to Mr. Boyd and Dr. Howard would be presented to the Board. Mr. Eaton felt that was the Board's decision.

Mr. Davis asked when he would receive a report from Dr. Dillon and Mr. Boyd. Dr. Dillon said he would receive a report as soon as people who can determine the definitions and recommend ways to solve the problems can be pulled together to prepare one. Dr. Dillon said his committee was empowered to identify the problem and not to find the solutions.

Dr. McWilliam asked if there was a timeline. Dr. Dillon said before a timeline could be developed several decisions had to be made, i.e.:

- 1) What to do with the superintendents who did not respond to the survey?
- 2) Define life threatening.
- 3) How will verification of the problem(s) be done?

Mr. Jerry Pelton said he could give a report on the information received in the survey, without verification, in time for a February meeting. Dr. Dillon asked Mr. Davis if that was what he wanted and he replied that it was. Mr. Boyd thought they could get something pulled together within the next week.

Mr. Boyd said the House and Senate leadership has met on the issue and are working on funding ideas. He felt the Board should continue to work with the legislative leadership.

Mr. Davis said his concern was that the motion presupposes everything else be stopped. Mr. Eaton said it does not; it is merely asking for a statement of the issue and recommended steps for addressing that issue. He felt it could be done quickly and that the motion would speed things up rather than slow them down. Dr. Dillon said he could support the motion as it does not say momentum will be lost.

It was moved by Mr. Eaton, seconded by Ms. Meyer and carried to ask the chairman of the committee, Mr. Boyd, and the Superintendent, drawing upon Board staff and the Department, as appropriate, to write a statement of the issue and the recommended steps to be taken to address that issue. (Motion #46)

2. Incentive Funding

Mr. Hasselquist said that at the July Finance Committee meeting, there were several requests from the institutions regarding incentive funding. At that time, the Finance Committee decided to incorporate them into a systemwide request. As a result, three of the institutions eliminated their requests for incentive funding for scholarships and developed a \$1.5M incentive funding for incentive scholarships. At the September Board meeting, additional money in the amount of \$1.75M was added for vocational education and \$250,000 for community colleges. Therefore, there are three separate requests in three different appropriations.

Mr. Hasselquist said the concept behind incentive funding is to provide institutions a reward for a predetermined accomplishment. The predetermined requirement is if \$2.00 in donations are raised for scholarships, the state will match with it \$1.00.

Dr. Dillon said he presented the concept to the JFAC with the information that it was endorsed by the presidents and approved by the Board. He felt it was important to understand:

- 1) Incentive funding means that what we ask to happen, happens before there is any money match.
- 2) The money does not go into the base.
- 3) It does not go from year to year to year with money going into the base, but it is a way the Board can target areas it feels are important.

Dr. Dillon said he has received letters of support of the concept and with the suggestion that it be used in K-12 and other areas. He will provide copies of the letters to the Board.

Mr. Hasselquist said there is a Governor's Initiative for the college and universities that also has the incentive concept built into it. It would generate \$1.5M from reallocations and the funds could be used for salary competitiveness.

Dr. Dillon said the principle of both plans are the same in that the money will not go into the base. Mr. Hasselquist agreed.

Mr. Hasselquist said accountability has also been addressed, i.e. before there are allocations the following year, the results of that year's activity will be evaluated.

Mr. Eaton asked if the scholarships would be for one year. Mr. Hasselquist said they would be for one year, which could result in a potential problem, i.e. if both plans are geared to a year-to-year measurement. Dr. Dillon said the schools could offer longer scholarships, but could only count on receiving additional money if accountability measures are met.

Dr. Hoover felt the difficulty in raising money from the private sector was that donors want permanent matches. He felt it would be difficult to raise one-time money and was not sure of the utility of this type of incentive. He said the presidents supported the matching, but did not think they had discussed it as a one-time event.

Dr. Dillon felt the Board's position was that this was not just for one year, that the intent is to keep the incentive scholarship going, as long as the accountability measures are met.

Dr. Ruch said there were basically two types of scholarship money:

- 1) An annual account where someone puts in dollars which are paid out.
- 2) An endowed scholarship where the funds are invested and the scholarships are paid out of the interest.

Dr. Ruch felt endowed scholarships would be a way of creating sustained scholarships. Dr. Bowen said when ISU requested incentive funding, it was with the thought that the funds would be put into the University Foundation's endowment. He said they felt that if an institution can keep any one-time money they receive by putting it into an endowment, they can stay ahead. Dr. Hottois agreed with Dr. Ruch and Dr. Bowen and said the opportunity to build an endowment to fund scholarships over the years is appealing to everyone, including donors.

Dr. Dillon said the Board's recommendation was the basic concept of new money being matched by the state. He did not feel there would be a problem with the money being put into an endowment account and that the Board did not intend to tell the presidents how to administer the scholarships.

Mr. Eaton asked Dr. Dillon if he was saying whatever the university wanted to do was fine. Dr. Dillon said he did not think there was ever a proposal for incentive funding that told the universities how to do it, and that the Board endorsed a concept which contains accountability measures, keeps the funds from going into the base and provides scholarship money.

Mr. Eaton said Senator Robert Lee strongly supports the expansion of the scholarship program now in legislation. He felt there needed to be more conversation on both scholarship proposals: incentive and Senator Lee's proposed legislation.

Senator Lee spoke to the Board regarding the scholarship legislation. He said the legislation would provide \$1,000 per year for two years to students receiving a "B" or better in high school to use to go to any Idaho public institution. He said other criteria could be established by the Board.

Senator Lee said the cost would be approximately \$5M the first year and \$10M the following year and he is looking at ways of obtaining the funding. There is support for using part

of the tobacco settlement to fund the scholarships. If settlement funds are used, recipients will be required to certify that they are alcohol, tobacco and drug free for the time they are in high school and during the time they are receiving the funds. He asked for Board support to utilize some of the funds for scholarships.

Dr. McWilliam agreed with having scholarships available for more students, but asked if there would be capacity at the college level for many additional students. Senator Lee replied that the university presidents did not think it would be a problem.

Dr. McWilliam asked if drug-free meant there would be drug testing. Senator Lee replied there would not be drug testing although that could be determined by the Board.

Senator Lee said he was pleased the Board was addressing incentive scholarship funding and hoped it would be funded, and that he would do what he could to help.

Dr. Dillon suggested the Board look at combining the legislative scholarship plan and the incentive scholarship plan.

Senator Lee agreed with Dr. Dillon. He felt the legislation, once signed, would provide a vehicle for approaching private parties and for donations.

3. What Matters Most

Mr. Hess reviewed the history of and gave an update on the status of the What Matters Most program:

- ! January 1998 - the Board adopted What Matters Most Commission membership.
- ! August 1998 - the state partnership applied for submission to the Commission.
- ! September 1998 - the Board approved a request to submit a grant to the J.A. and Kathryn Albertson Foundation for What Matters Most startup funding.
- ! October 1998 - the grant request was developed and submitted.
- ! November 1998 - Idaho was approved by the National Commission to be a partner state.
- ! December 1998 - the Foundation approved a \$983,210 grant for funding the What Matters Most program.
- ! January 1999 - the grant was completed and the funds are available.

Mr. Hess said a 13-member What Matters Most Advisory Group has been formed and the process to hire staff people has begun.

Mr. Hess said he has studied and researched all of the information and felt that it is significant that 40 percent of a student's success is tied to the teacher, which means a lot of things

must be changed. The statistics show that fewer than 10 percent of high school students can read, write, compute and manage scientific material at the levels required for today's society. International tests continue to show U.S. high school students ranking near the bottom in math and science. It is clear that most schools and teachers cannot produce the kind of learning and reforms demanded; not because they do not want to, but because they do not know how and the system does not support them in doing so.

Mr. Hess reviewed the five What Matters Most principles:

- 1) Develop and enforce rigorous standards for teacher preparation, initial licensing and continuing development.
- 2) Redesign teacher education so that teachers are adequately prepared and all teachers have access to high-quality learning opportunities.
- 3) Put qualified teachers in every classroom by providing financial incentives to correct shortages, streamlining hiring procedures, and reducing barriers to teacher mobility.
- 4) Facilitate cooperation to make teaching a true profession, with a career continuum that places teaching at the top and rewards teachers for their knowledge and skills.
- 5) Restructure schools to become genuine learning organizations for both students and teachers.

Mr. Hess said it is a big assignment, but the groundwork has begun.

Mr. Killworth said the National Commission recommends two things:

- 1) A teacher policy inventory. They will work with the National Commission, using their checklist to determine assets and resources in the state. He said there will be a detailed analysis and surveys of the school districts and colleges of teacher education.
- 2) Standards Writing Project. Twenty teams will be put together to write 33 new teacher standards addressing both academic and vocational education. He anticipated he would have a status report in March.

Dr. McWilliam asked how the standards tie into National Board Certification and State Department of Education certification. Mr. Killworth said the new standards will be written using a performance-based model called the Intask Model. The model has the same standards recommended by the National Commission and the National Board Certification.

Mr. Hess will bring updates to the Board.

4. Eastern Idaho Education

Dr. Fitch updated the Board on the programs offered by the UI, ISU and EITC in Eastern Idaho and the direction education is heading in that part of the state. He reviewed the programs available, student survey responses and student demographics. He advised of the following activities:

- 1) The University of Idaho and Idaho State University have signed an agreement for providing educational opportunities to the area, with options for the inclusion of Eastern Idaho Technical College.
- 2) A 25-member advisory committee, with Mr. Keith Hinckley as the chair, has been established for University Place. The committee has met and is moving forward.
- 3) There will be an Inland Northwest Research Alliance between seven universities--include the three Idaho universities--to further the activities of the INEEL and partner bidders.

Mr. Davis inquired about the inclusion of EITC in future developments. Dr. LaRowe said EITC has been invited to discuss the matter with the UI and ISU. Additionally, Dr. Hoover presented EITC's suggestions regarding the higher ed center to the JFAC.

Mr. Davis felt the activities in the north were more than just provider driven, that there were those at the table who were not only providers, but also consumers and there seemed to be a broader sense of community than what he feels there is in Idaho Falls. He also felt the north Idaho reporting system seemed more comfortable; the present system in eastern Idaho seems to be coming out of the provider side and is reporting to the university and colleges presidents and not to the Board. He asked if there would be a long-term process that will look at all of eastern Idaho and asked that a structure be devised to involve the Board.

Dr. LaRowe told the Board there are more positive feelings today than there has been in the past and he is encouraged.

Dr. Bowen said Mr. Hinckley, the advisory committee chair, has said he feels strongly that this is an advisory board and that it should focus on providing advice to the presidents and the Board.

Dr. Hoover said the Northwest Research Alliance is bringing several schools together: Washington State University, Utah State University, Montana State University, University of Montana, University of Idaho, Boise State University and Idaho State University. While it is difficult to get all of the academic institutions around the table pulling in the same way, he felt there is potential to build more admissions to University Place to give an alternative future to the

INEEL. Drs. Bowen and Hoover met with the Secretary of Energy who indicate he has an interest and commitment to ensuring the environmental and Department of Energy (DOE) laboratories will be successful.

Dr. Hoover said he has met with Drs. Bowen and LaRowe to review the involvement of the three schools. The next step will be to study marketing, advertising, registration, etc.

Dr. McWilliam asked when the new contract would be announced and what the RFP would specify. Dr. Hoover said the RFP came out on January 25 and will be out for 60 days. The RFP talks about two things related to today's discussion:

- 1) It specifies the five laboratories.
- 2) It specifies its interest in seeing a regional university consortium established to cooperate and partner with the next laboratory manager.

Dr. Hoover said the most significant issues were a strong move within DOE to separate the contract from the laboratory manager and to have a cleanup manager.

Dr. Dillon congratulated the individuals involved in the process. He felt the next level is to fold-in the Board and develop a reporting process so everyone is working together.

Dr. McWilliam felt it is more than just serving the people in the area; in working with the INEEL, they are contributing to the well being of the entire state.

5. Good of the Order

- 1) Dr. Dillon said he would talk to Mr. Eaton and determine if there needed to be a February conference call.
- 2) Dr. McWilliam asked how the questions that came up at the JFAC are going to be addressed, i.e. will Dr. Fitch work with Dr. Howard to prepare responses? Dr. Dillon asked Drs. Howard and Fitch to prepare responses prior to the February 17 70 Percent Committee meeting.

6. Executive Session

It was moved by Dr. Dillon and seconded by Ms. Meyer to enter into Executive Session pursuant to Section 67-2345, §1(a) to consider hiring a public officer, employee, staff member or individual agent, and (f) to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation. A roll call vote was taken.

AYES: Mr. Boyd, Dr. McWilliam, Ms. Meyer, Mr. Davis, Dr. Howard, Dr. Dillon
NAYS: None
ABSTAIN: None
ABSENT: Mr. Eaton, Mr. Hess

The motion carried. (Motion #48)

BSU Legal Counsel, Amanda Horton and UI Legal Counsel, Randy Geller attended the Session.

- A. The topic related to the personnel issue was deferred to a later meeting so Deputy Attorney General Kevin Satterlee (who was absent) the opportunity to present his report.
- B. Deputy Attorney General Mike Gilmore briefed the Board on the status of the public school funding lawsuit.

No decisions were reached.

It was moved, seconded and carried to leave Executive Session.

No Exhibit Materials.

STATE DEPARTMENT OF EDUCATION

A. Introductory Comments

Dr. Marilyn Howard addressed the Board and introduced Dr. Robert West, Chief Deputy Superintendent.

B. Appointments to Idaho Curricular Materials Selection Committee

With the exceptions of the member from the State Department of Education and the State Division of Vocational Education, whose terms are for one year, committee membership is for five-year terms.

The committee will review its entire selection process during the coming year and will bring the results to the Board.

It was moved by Dr. Howard, seconded by Dr. McWilliam and carried to approve the appointment of Leslie Blair to serve as the representative for Idaho public school elementary teachers, Wendy L. Shelman to serve as the representative for Idaho's secondary teachers and Dr. Mark McCaslin as the representative for the University of Idaho. These are five-year appointments to the Idaho State Curricular Materials Selection Committee. (Motion #35)

It was moved by Dr. Howard, seconded by Ms. Meyer and carried to appoint Barbara Eisenbarth as the content specialist from the State Department of Education and Dick Winn as the representative for the State Division of Vocational Education. These terms are for a period of one year. (Motion #36)

It was moved by Dr. Howard, seconded by Ms. Meyer and carried to appoint Karlette Merrick school board trustee to serve until December 31, 1999, to complete the term of Darlene Brainard. (Motion #37)

C. Approval of State Curricular Materials

This year the cycle calls for curricular materials in the areas of Mathematics, Business Education, Career Education and Counseling, and Vocational/Technical Education. In addition, the two-year interim adoption clause allows for submission of materials in the areas of Social Studies, Music, English Composition and Grammar, Applied English, Spelling, Speech, Journalism, Foreign Languages and Art and Drama.

The Board was advised there is a "minority committee" that objects to some of the materials. Their report is on file with the State Department of Education and as Exhibit #6 with the State Board of Education.

Dr. Tom Farley said they are working to design a presentation format that will better describe the materials and will allow for input from those who are for and those who may be against particular materials. They are also looking for greater alignment with exiting standards and assessments.

It was moved by Dr. Howard, seconded by Dr. McWilliam and carried to approve the State Curricular Materials Selection Committee's recommendations for 1999 curricular materials as submitted. (Motion #38)

D. Hardship Elementary School Status - Cassia Co. SD

Mr. Davis asked BSU Counsel Amanda Horton to sit at the table during the discussion.

In October, the Board gave approval to grant hardship status to the Newcomer's Center school, contingent upon the Attorney General's opinion. Deputy Attorney General Terry E. Coffin opined that the Newcomer's Center does not qualify as a hardship school.

Dr. Howard said the SDOE submitted today's request as a housekeeping item with the recommendation that the SBOE formally deny the request to have the Newcomer's Center designated a hardship school.

It was moved by Dr. Howard, seconded by Mr. Eaton and carried to disapprove the request by Cassia County School District No. 151 for hardship elementary status for the Newcomer's Center. (Motion #44)

E. School to Work Resolution

Mr. Rick Phillips said he had canvassed the private sector people who were on the School to Work (STW) Collaborative team and could report everyone endorses moving STW to the SDOE under Dr. Howard's direction.

Mr. Eaton asked that Karen Fraley and Rick Phillips be formally thanked for their work with the program, and an update letter be sent to Skip Bennett.

Ms. Meyer asked how the program will continue after federal funding ceases. Dr. Howard replied she would like the transition to include current STW staff and funding and as funding is eliminated, the program be incorporated into the Department.

Ms. Meyer asked how Workforce Development fits into the plans. Dr. Howard asked Ms. Fraley to respond. Ms. Fraley said the relationship with the Workforce Development Council would be unchanged because that is the advisory group for the STW effort, and will be through the fifth year of the program. Mr. Phillips said federal Workforce Development legislation

specifically prohibits vocational education falling under a Workforce Development Council unless approved by the governor or legislature. Although it does not mention STW, he felt that the legislative intent also pertained to STW.

Mr. Eaton asked to call the Board's attention to a statement in the Resolution which states: "WHEREAS the State Department of Education, an executive agency of the State Board of Education." He felt that phrase was the most significant part of the Resolution in that it tells him that it is intended there be a close, harmonious, working relationship between the SBOE and the SDOE. He said he was pleased to see the language in the Resolution and pledged his support to work cooperatively.

It was moved by Dr. Howard, seconded by Dr. Dillon and carried to approve the State Board of Education's School to Work Resolution. (Motion #43)

Exhibit #9

F. Safety Busing Requests

Part I - List of Requests Recommended for Approval

Requests to transport students less than one and one-half miles were received by the SDOE and, in turn, were submitted to the SBOE for consideration. The request was for approval of 94 school district requests, affecting 24,773 students.

Mr. Eaton asked the reasons for the new requests. Mr. McKnight replied the majority of the new requests were due to boundary changes, new buildings, etc. Of the 37 new requests approximately one-third were due to new buildings being built.

Dr. Howard felt that the issue of safety busing should be reviewed. Mr. Davis said he would like to review the pros and cons of safety busing and hoped a report could be made in six months.

It was moved by Dr. Howard, seconded by Ms. Meyer and carried to approve Part I of the safety busing requests. (Motion #39)

Part II - List of Requests Received After the October 31 Deadline

The request is for approval of six school district requests received after the October 1 deadline. The requests affect 549 students.

Mr. Eaton asked for the explanations given by the six districts for their lateness in submitting their applications:

- 1) Coeur d'Alene SD - Ms. Meyer said she was aware of the reasons for the lateness of the district: At or near the time the application was supposed to be submitted, an individual entered a school bus and began threatening the driver and the students.
- 2) Mr. McKnight said the reasons given for two of the districts for their lateness was because of an oversight due to change in administrative personnel.

There was discussion regarding procedures, Board policies and deadlines. Mr. Davis suggested there be some type of pre-notification that gives districts a short period of time to comply and then if the deadline is not met and there is not a valid reason, the requests be disapproved.

It was moved by Dr. Howard and seconded by Ms. Meyer to approve Part II safety bussing requests. A roll call vote was taken.

AYES: Mr. Boyd, Ms. Meyer, Mr. Davis, Dr. Howard
NAYS: Dr. McWilliam, Mr. Hess, Mr. Eaton
ABSTAIN: Dr. Dillon
ABSENT: None

The motion carried. (Motion #40)

G. Bonner County School Districts #83 & #84

Bonner County School District No. 82 recently divided and two new school districts were approved by the patrons of Bonner County and the SBOE.

The SBOE has the responsibility to appoint school board trustees for the new districts until such time as trustees can be elected by the patrons of each district (May 18, 1999). Mr. Pelton reviewed the selection process.

It was moved by Dr. Howard, seconded by Ms. Meyer and carried to approve the appointment of the following individuals from their respective zones for West Bonner County School District No. 83: (Motion #42)

Zone 1 - Vernon Melvin
Zone 2 - Bill Boyd
Zone 3 - Eric Eldenburg
Zone 4 - Sonja Young
Zone 5 - Kenneth Corning

It was moved by Dr. Howard, seconded by Ms. Meyer and carried to approve the appointment of the following individuals from their respective zones for East Bonner County School District No. 84: (Motion #43)

- Zone 1 - Dexter Vogel
- Zone 2 - Ann Souza
- Zone 3 - Thomas Scott
- Zone 4 - James (Jim) Cooper
- Zone 5 - Charles Bauer

H. Superintendent's Report

- 1) A request to alter boundaries will be coming from the Cambridge and Council School Districts. Some patrons in the Cambridge SD have asked to be placed in the Council SD. A hearing officer has been appointed and a hearing is scheduled for February 1, 1999.

Mr. Eaton said he plans to include a notation on the boundary legislation which would enable changes to go into effect upon passage.

- 2) Dr. Howard said the School Facilities Committee has met. She said she wanted to put her efforts to solve safety issues behind those of the SBOE. The committee looked at and is examining a variety of options. She will bring the information to the next Safety Committee meeting.

I. Exiting Standards

Ms. Meyer, Ms. Lydia Guerra, Mr. Tom Luna, Mr. Darrel Marks and Mr. Larry Andrews gave a preview of the Exiting Standards report to be given to the House and Senate Education Committees.

Mr. Andrews said the original timeline has been extended, but they hope to have the standards completed sometime this spring. The Commissioners will meet again on February 11-12 to change the format and review the feedback from the second McCrel review. They will work to bring the some of the standards to the Board in March.

Mr. Andrews said it is the feeling that the standards are meaningless unless procedures are put in place to implement them. He said the commissioners differ on when the implementation plan can be brought to the Board, but they hope to have the process completed by the end of summer. Ms. Meyer said the subcommittee met with the commissioners and directed them to work with the State Department of Education on assessment recommendations to be brought to the Board.

Mr. Hess said the original charge to the subcommittee is almost complete and asked the Board for clear directions on where it wants the subcommittee to go from here.

It was moved by Mr. Hess and seconded to authorize the subcommittee, working with the exiting standards commission, to move to the next level, which includes implementation, recommendations and assessments. **The motion was amended** by Dr. McWilliam and Ms. Meyer to add "endorse the progress that has been made so far." **The amended motion carried.** (Motion #47)

Mr. Davis felt there should be discussion regarding funding. Ms. Meyer said the subcommittee has begun to look at the budget. Ms. Guerra reviewed costs for the past year and projected costs through the end of the fiscal year.

Dr. McWilliam asked what would be done if the state only contributed \$50,000 this year. Ms. Guerra replied they would do the best they could with what was available, i.e. bring in smaller committees, teleconference calls instead of regular meetings and just watch the funds a little closer. Mr. Hess asked Dr. Fitch and Ms. Guerra to work out a budget and bring it to the Board. Ms. Meyer said the subcommittee would develop the material and do so.

Ms. Meyer asked the Board if the subcommittee should go to the J.A. and Kathryn Albertson Foundation to see if next year's \$155,000 allotment could be advanced; otherwise, things could be put on hold, but some of the momentum may be lost. Dr. Dillon said the Board could discuss it when the budget is brought to it.

Exhibit #8

J. Other

Boise - Meridian Boundary Change

It was moved by Dr. Dillon, seconded by Ms. Meyer and carried to order the alteration of the Boise Independent School District and Meridian School District boundaries as approved by the Board and the voters, consistent with the Petition of Brenda Wood and the Petition of Ron and Karen Ray, provided that such order shall be effective on or after July 1, 1999. (Motion #45)

Agenda and materials on file as Exhibit #s 6,7,8,9 & 10 with the Office of the State Board of Education.

ADJOURNMENT: January 25, 6:00 p.m.
January 26, 4:00 p.m.

CERTIFICATION:

To the best of my knowledge, the minutes contained herein constitute a complete and accurate record of the proceedings of the meeting. The minutes are not verbatim

Recording Secretary: Vicki E. Barker