

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

TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND

May 27 1999

Teleconference Call

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 3:00 p.m., with Mr. Harold W. Davis, President of the State Board of Education and Board of Regents of the University of Idaho, presiding.

Members Present

Harold W. Davis, President

Jerry Hess, Vice President

Tom Boyd, Secretary

Thomas E. Dillon

James C. Hammond

Marilyn Howard, State Superintendent of Public Instruction

Karen A. McGee

Members Absent

Curtis H. Eaton

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

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 May, 1999.

Thomas Dillon	Days	Curtis H. Eaton	Days
05/8, 10-13, 15, 20, 24, 27,28	7.5	05/11	1.0
Jerry Hess	Days	Tom Boyd	Days
05/07,11-14, 18, 20, 24,27	6.5	05/11-15, 17, 20, 27	7.0
Harold W. Davis	Days	James Hammond	Days
05/11	1.0	05/11-13,14,15,17,20,27	7.0

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 May, 1999.

Curtis H. Eaton	Days	Marilyn Howard	Days
05/07,12,13,15,20	5.5	05/11-15,18,20,24,27	7.0

Harold W. Davis	Days
05/06,12,13,15,17,19,20,27	7.5

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
Kevin Satterlee, Chief Legal Officer
Laurie Boston, Public Information Officer

State Department of Education

Don Robertson, Chief Legal Officer

Others

Patsy Warburton
John King
Kathleen Mortensen

OTHER

1. Executive Session

It was moved by Mr. Boyd and seconded by Ms. McGee to enter into Executive Session per *Idaho Code* 67-2345, 1 (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. The motion carried.** (Motion #1)

- AYES: Dr. Dillon, Dr. Howard, Mr. Boyd, Ms. McGee, Mr. Hammond, Mr. Davis
- NAYS: None
- ABSTAIN: None
- ABSENT: Mr. Eaton, Mr. Hess (joined the meeting in progress)

Mr. Kevin Satterlee reviewed the history of the Boise SD and Meridian SD boundary change and the lawsuit. He also discussed with the Board possible responses.

2. Open Session

Mr. Satterlee said the change was scheduled to take effective July 1, 1999. However, a suit has been filed (set to go to trial next week) against the State Board of Education alleging the change was improper. The parties have proposed a possible resolution whereby the SBOE, under 33-307, would redraw the boundary line down Highway 55.

Mr. Davis said the Board could act or not act and let the matter run its course. Mr. Boyd asked if a motion should refer to 33-307 or 33-308. Mr. Satterlee said 33-308 provides that the Board moves property from district to district, upon the petition of one of the school districts involved or from patrons within the school districts. At this time there is no petition to move property. He said 33-307 allows the Board to move property from district to district, when in the Board's best judgement that is just and proper and in the best interest of the children of the affected districts, and while 33-307 does not require public hearings, the Board can request them

Dr. Dillon felt the Board, under 33-308, had a hearing officer, had public input, made a valid decision and an election was held. He felt the ruling that the Board is supposed to be responsible for the election was contrary to statute. While he did not disagree with the new line being drawn along Highway 55, he felt that prior to implementing the change, the process given in 33-308 should be used. He did not feel 33-307 should be used to address the issue.

Mr. Satterlee said that if the Board issues its order contingent upon another hearing process, it would be unlikely that it would settle the lawsuit as a court ruling would probably be given before the hearing process could be initiated.

Mr. Hess asked if there could be patrons in the districts who would not agree with the agreement who would come forth and file another suit. Mr. Satterlee said it was possible, but very unlikely.

Dr. Fitch recapped the issues:

1. 33-307 allows the Board to make the decision.
2. 33-308 allows citizens to bring to the Board a decision or a question by vote of the people, which the Board can authorize.
3. The statement by the judge that the election was possibly not done properly should not be a question that the Board is making a decision on as that would be decided by the court.
4. Based on the agreement before the Board, everyone except Brenda Wood will have their children attending their chosen schools. However, Dr. Wood's children are attending their chosen school, based on a separate agreement with that district.
5. Additionally, Dr. Wood recognizes Highway 55 as the logical dividing line and will look at the issue at a later time.

Dr. Fitch recommended the Board accept the compromise recognizing Highway 55 as the boundary and not be concerned about the process.

Mr. Davis asked Dr. Fitch if he was recommending approval of Mr. Satterlee's Order. Dr. Fitch replied he was. Mr. Satterlee read the Order:

1. That the boundary between the Boise School District and the Meridian School District for that property lying in the East Half of Section 10, Township 4 North, Range 1 East of the Boise Meridian lying north of Hill Road shall be State Highway 55.
2. That all property in said East Half of Section 10, Township 4 North, Range 1 East of the Boise Meridian lying north of Hill Road and west of State Highway 55 shall be part of the Meridian School District.
3. That all property in Said East Half of Section 10, Township 4 North, Range 1 East of the Boise Meridian lying East of State Highway 55 shall be part of the Boise School District.
4. That this Order shall be effective on July 1, 1999 and shall supercede the Board's Order dated February 5, 1999 regarding the affected area.
5. That the State Department of Education shall issue a Notice to the State Tax Commission, the Ada County Commission, the Boise School District and the Meridian School District that such boundary change has been Ordered by the Board effective July 1, 1999.

It was moved by Mr. Boyd and seconded by Ms. McGee that under the authority of 63-307 (Mr. Satterlee noted the motion referred to 33-307) that we instruct our attorney to act as a hearing officer, revisit this issue and that we accept right now, contingent upon the hearing, that we accept Highway 55 as the boundary, contingent upon everything coming back to us in a satisfactory manner. **The motion was amended by Mr. Hess and Ms. McGee** to accept Mr. Satterlee's proposed Resolution and Order. **A roll call vote was taken:** (Motion #2)

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

The amended motion carried.

ADJOURNMENT: 4:30 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; tapes are available from the Office of the State Board of Education.

Recording Secretary: Vicki E. Barker