

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 PROFESSIONAL TECHNICAL EDUCATION

TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND

October 21, 1999

College of Southern Idaho, Twin Falls

October 22, 1999

Idaho School for the Deaf and the Blind, Gooding

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 8:00 a.m., on October 21, 1999, 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

Curtis H. Eaton

James C. Hammond

Marilyn Howard, State Superintendent of Public Instruction

Karen A. McGee

Members Absent

Karen A. McGee (10/21 1/2 day)

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 for members of the State Board of Education/Board of Regents of the University of Idaho for the month of October, 1999.

<u>Thomas Dillon</u>	<u>Days</u>	<u>Curtis H. Eaton</u>	<u>Days</u>
10/12,14,18,20,21,22,26	5.0	10/20	1.0
<u>Jerry Hess</u>	<u>Days</u>	<u>Tom Boyd</u>	<u>Days</u>
10/21,22,23	3.0	10/21,22,23	3.0
<u>Harold W. Davis</u>	<u>Days</u>	<u>Karen McGee</u>	<u>Days</u>
10/07	1.0	10/07,20,21,22	4.0
<u>James Hammond</u>	<u>Days</u>		
10/21,22,23	3.0		

Non-compensated days for members of the State Board of Education/Board of Regents of the University of Idaho for the month of October, 1999.

<u>Curtis H. Eaton</u>	<u>Days</u>	<u>Marilyn Howard</u>	<u>Days</u>
10/22,23	1.5	10/20,21,22	3.0
<u>Harold W. Davis</u>	<u>Days</u>		

10/20,21,22

3.0

Among the persons meeting with the State Board of Education/Board of Regents of the University of Idaho were:

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
Mike Killworth, Policy and Planning Officer
Laurie Boston, Public Information Officer
Nancy Szofran, Learning Technology Officer

State Department of Education

Robert West, Chief 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 Professional-Technical Education

Mike Rush, Administrator
Kirk Dennis, Chief Fiscal Officer

Idaho 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
Ken Prolo, Interim 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

Idaho State Historical Society

Steve Guerber

Others

Severina Haws

Patty Toney

Lydia Guerra

Fred Esplin

Barry Thompson

Tim Hill

Senator Denton Darrington

Rep. Bruce Newcomb

Rep Jim Kempton

Jerry Doggett

BOARDWORK

1. Introduction

Mr. Davis introduced Ms. Severina “Sam” Haws, who becomes a Board member on January 1, 2000.

2. Award

Dr. Dillon announced that Mr. Pat Young, Idaho Division of Vocational Rehabilitation, has received the “Richard Egbert Award” for personal and professional assistance to disabled people in Idaho.

3. Agenda Approval

It was moved by Ms. McGee, seconded by Dr. Dillon and carried (7-0) to approve the agenda with the understanding that there will be some action items Friday, 8:00-9:30 on Exiting Standards. (Motion #1)

4. Rolling Calendar

It was moved by Dr. Howard, seconded by Dr. Dillon and carried (7-0) to approve October 19-20, 2000 as the dates and North Idaho College as the location of the October, 2000 regularly scheduled Board meeting. (Motion #2)

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

PERSONNEL/STUDENT AFFAIRS COMMITTEE

1. Athletics - Joint w/Finance Committee

Mr. Eaton reported the following changes to the Finance Committee agenda:

1. Page 7.5, b. there was an error: Institutional funds for Lewis-Clark State College shall not exceed \$100,000 instead of the \$25,000 indicated.
2. Page 7.5, 3 should read: "Donation to athletics at an institution must be reported according to policy. The amount of booster money donated to and used by the athletic department shall be budgeted in the athletic department budget."

Mr. Hammond asked for clarification on why so much specificity regarding athletic funds is required. Mr. Eaton said he had the highest respect for the presidents and their administration of the institutions; however, one of the reasons for the policy is to address deficits in the athletic programs such as the LCSC \$182,000 deficit. Mr. Eaton said he had asked Mr. Dean Froehlich if the policy had been in place, would the \$182,000 problem have been identified and rectified earlier, and that Mr. Froehlich had replied yes.

It was moved by Mr. Eaton, seconded by Dr. Dillon and carried (7-0) to bring back the proposed policy changes to Section III.T for the First Reading as detailed in Item 7.a at the November 1999 meeting. (Motion #17)

2. Minutes of the September, 1999 Meeting

The minutes were approved in committee.

3. Institution/Agency Agenda Items

It was moved by Mr. Eaton, seconded by Dr. Dillon and carried (6-0) to approve the Personnel/Student Affairs Routine and Non-routine agenda items. (Motion #16)

4. Revamping P/SAC Format

The committee is in the process of revamping the format in order to better utilize the presidents' time and is developing a process to identify and review topics of interest. The Presidents' Council brought forth the following topics:

1. Faculty and staff compensation, including retirement.
2. Scholarship and related issues.
3. Career development of staff.
4. Recruitment of students.
5. Students records.

The committee asked the Presidents' Council to bring to its next meeting the initial stages of a definition of an issue and, perhaps, a procedural outline on how to follow up on their number one recommendation—compensation.

Mr. Eaton said the committee is addressing the issues of student fees and student debt and will add it to the list of topics for the videoconference meeting.

Personnel/Student Affairs Committee agenda on file as Exhibit #11 with the Office of the State Board of Education.

ACADEMIC AFFAIRS/PROGRAM COMMITTEE

1. Minutes of the September, 1999 Meeting

Approved in committee.

2. Minutes of June HERC Meeting

Approved in committee.

3. HERC Policy Change

It was moved by Dr. Howard and carried (5-0) to approve for First Reading the revision to the Board's Higher Education Research Council Policy, which will add the Statewide Science and Technology Advisor, once appointed by the Governor, as a member. (Motion #13)

4. New Program: Boise State University

At the October 7 meeting of the Statewide Engineering Education Advisory Council, it was voted unanimously to recommend approval of the BSU master's degree program.

Mr. Davis asked if the development process was from within the university only or if there was other input. Dr. Charles Ruch said it came from the faculty with the endorsement of the industry advisory committee.

Mr. Boyd said he had heard that the demand for engineers is on a downward trend nationally and asked for comments. Dr. Ruch said the trend in the Treasure Valley is for more engineers, particularly at the masters level. Dr. Daryl Jones said a recent study by the Idaho Department of Labor found there are 8,300 engineers currently employed in Idaho with that number projected to grow by 3,510 over the next ten years. He said the historic trend is that one of three engineers goes on to earn a masters degree, and that there is a trend in the engineering profession to make the masters degree the entry level degree for all practicing engineers.

Mr. Hess suggested BSU, in its long-range planning, consider providing a doctorate that teams up with research and development.

It was moved by Dr. Howard and carried (7-0) to accept the Notice of Intent to establish a Master of Engineering program at Boise State University and instruct BSU to develop a full proposal for Board action and consideration. (Motion #14)

5. Appointments/Reappointment - UU School of Medicine Admission Committee

Currently there are two members on the committee, a request has been made to increase the number to four.

Proposed Appointments:

Dr. Randy Burr, Boise, October 1999-2002

Dr. Steven Austin, Idaho Falls, October 1999-2002

Dr. Robert Becksted, Pocatello, October 1999-2002

Proposed Reappointment:

Dr. A. C. Emery, Twin Falls, October 1999-2002

It was moved by Dr. Howard and carried (7-0) to appoint the four individuals named, for terms of appointment as listed, to the University of Utah School of Medicine Admission Committee. (Motion #15)

6. Program Capacity

The Council on Academic Affairs and Programs (CAAP) recommended that in conjunction with the ongoing professional program review, the academic officers consider the factors outlined in the exhibit to determine capacity for each of the four disciplines currently under review: Teacher Education, Legal Education, Health Professions, and Engineering and Related Technologies. The committee felt a general definition of program capacity is not likely because of many external factors. However, as a component of program review, the definition of program capacity for specific fields can be developed.

The committee discussed the need to create a balance among Internal Factors, Student Demand and External Factors.

7. Program Review Update

At the SBOE's direction, the Presidents' Council (PC) and the CAAP have been working cooperatively on the charge to review professional programs. Initially, it was planned to have an inventory analysis completed by September with a strategic plan to the Board by October. However, as the inventory data was being reviewed, it became apparent that institutional reporting mechanisms were not standardized across the system. Hence, the current inventory data is seriously flawed for the purpose of completing the program review. The first step in acquiring accurate data will be to hold a statewide meeting of institutional research officers for the purpose of standardizing the reporting of

program offerings. A report to the Board is anticipated in November on current programs with the professional program review to follow.

8. Delegation of Authority/Program Approval

At the September 24th meeting the Board discussed delegating additional program or degree approval to the Executive Director. The AA/PC discussed it in more detail and found that there are problems in terms of the institutions' ability to respond to needs in a timely manner so they find themselves having to put courses into place without going through the entire authorization process which makes them very uncomfortable. Additionally, they find that student aid or financial aid is being compromised by their not being able to operate in a timely manner.

The programs on page 18 of the agenda listed under Item A - Academic and Vocational Units are items that can be managed by the State Board office; and under Item B - Credit Bearing Instructional Programs are items that come to the Board. Committee discussion was centered around moving Items 1 and 2 under B1 and B2 up to the A category with a report to the Board.

Mr. Davis asked Dr. Howard if what is wanted is to know if the Board feels comfortable moving B1, B2 up to Category A. Dr. Howard replied that was what was wanted, but that it is still a short-term fix for a more complex problem.

Dr. Dillon said as long as he has been on the AA/PC, the institutions have complained that they cannot respond to the needs of the business community and, in fact, have to walk around the Board and do it anyway.

Dr. Dillon said there has been a discussion with Dr. Fitch, who was instructed to work out an agreement. He said the AA/PC is looking at the possibility that they be signed off by the Academic Affairs Officer, with the understanding that a report comes to the next Board meeting which will:

1. Relieve any Board apprehension.
2. Give the Board a way to act and handle the reporting process.

9. Idaho Virtual University Consortium

Dr. Howard said a report will be ready in November. Mr. Hess said he hoped the narration in the exhibit was not the extent of the scope of the project and that the discussion would include software development and application, etc. Ms. Nancy Szofran said Mr. Hess's concerns will be addressed in the vision statements, which the provosts are currently drafting.

10. Postsecondary Program Changes

Information item, no discussion.

11. SEEAC Meeting Report

The Statewide Engineering Education Advisory Council met on October 7 with Mr. Davis and Ms. McGee in attendance.

Mr. Davis said Boise State University has received accreditation from ABET and engineering enrollments, statewide, are increasing.

Academic Affairs/Program Affairs Committee agenda on file as Exhibit #10 with the Office of the State Board of Education.

FINANCE COMMITTEE

1. Minutes of the September, 1999 Meeting

Approved in committee.

2. Routine Institution/Agency Agenda Items

It was moved by Mr. Hess and carried (6-0) to approve the Finance Committee Routine agenda items for Lewis-Clark State College and the Idaho School for the Deaf and the Blind. (Mr. Eaton abstained.) (Motion #18)

3. Non-Routine Institution/Agency Agenda Items

3.1 - ISU Purchase of Rhoads Bldg & Surrounding Property

It was moved by Mr. Hess and carried (7-0) to approve the request from Idaho State University to purchase the Rhoads building and surrounding property, located at 1030 2nd Avenue, at the estimated cost of \$336,000, to be used as a permanent storage facility, replacing leased storage facilities. (Motion #19)

3.3 - UI Naming of College of Business & Economics Bldg

It was moved by Mr. Hess and carried (7-0) to approve the request from the University of Idaho to name the College of Business Building in honor of J. A. Albertson. (Motion #20)

3.5 - LCSC NAIA Championship Host Agreement

Mr. Hess said he was assured by Mr. Froehlich that the hosting the event would generate surplus athletic funds and, with that assurance, he recommended approval of the agreement.

Mr. Davis asked how long the hosting responsibility would be. Mr. Froehlich said the contract was for the years 2000-2006.

Mr. Eaton asked if projected \$15,000-\$20,000 surplus did not materialize and hosting the event resulted in costs to LCSC, is LCSC committed to hosting through 2006. Mr. Froehlich said they were obligated, but did not feel the risk was great as LCSC conducted the tournament for seven years when it did not have as good a financial arrangement with the contractors. Mr. Froehlich added that the NAIA approached LCSC and, although not a part of the proposed agreement, there has been

some talk about making LCSC the permanent site for the tournament.

Mr. Eaton asked for clarification on the language “one of the six goals established for the series address fiscal success and investment thereof into the educational mission of the college.” Mr. Froehlich said there has been talk about putting money into scholarships, but that will depend on financial success.

Mr. Eaton asked if the contract allowed LCSC to keep funds in excess of expenditures. Mr. Froehlich said LCSC did get to keep it all and that was one of the major differences between this contract and the old contract.

Mr. Eaton asked if the agreement could be approved to 2006, but with an annual review, based on financial success. Mr. Froehlich said that could be done, but the contract being considered today had taken approximately one year to write and although it was flexible for some changes, major changes would have to be negotiated. Mr. Eaton asked if there was an urgency in approving the contract. Mr. Froehlich said it needed to be approved immediately in order to begin the work necessary to put on the tournament.

It was moved by Mr. Hess and carried (7-0) to approve the request from Lewis-Clark State College to enter into the contractual agreement with the National Association of Intercollegiate Athletics (NAIA) relative to the organization, management, and administration of the NAIA Baseball National Championship Tournament to be held at Harris Field, Lewiston, Idaho. (Motion #21)

Mr. Boyd was concerned that the stipulation in Motion #22 would result in the NAIA refusing to sign the agreement.

Mr. Hess felt the NAIA was looking for assurances for more than one year at a time because of the processes they would have to go through in finding another host for the tournament should LCSC cancel the agreement. Mr. Froehlich agreed as the success of the tournament depended on a long-term agreement.

It was moved by Mr. Eaton and seconded by Mr. Hammond that the Board recommends approval of the request for as stated in Motion #21 with the addition of annual reviews. **The motion failed (1-6)** (Motion #22)

4. Final Reading: Enrollment Workload Adjustment - Emphasis Factors

Governing Policies and Procedures

Section: V Financial Affairs

Subsection: T Allocation of the Lump Sum Appropriation

It was moved by Mr. Hess and carried (7-0) to approve for Final Reading the policy change to the enrollment workload adjustment, changing the primary emphasis factors at Boise State University and Lewis-Clark State College as detailed in the exhibit. (Motion #23)

5. Final Reading: Increased Non-resident Fee Waivers

Mr. Eaton said the committee recommends receiving the report, but asking the staff and presidents to refine the definition of “technology.” He said the issue was whether or not to restrict the authorization by discipline or program.

6. Intercollegiate Athletics Report

Mr. Hess asked that the annual report of institution athletic reports be reformatted to accurately reflect the income and the expenditures of the athletic departments, i.e. provide specific appropriated funds, institution support and student fees that go to subsidize the programs. Mr. Hasselquist was asked to gather institution input on reformatting the reporting system and bring it to the Board.

7. Intercollegiate Athletics-Proposed Policy Change

Discussion under #1 in Personnel/Student Affairs Committee.

8. Intercollegiate Athletics Compensation Report

Mr. Hess asked that the report be held and compared at a later date with what actually happened.

9. Y2K Status Report

The committee has been assured that all institutions and agencies feel they are Y2K compliant.

10. Tobacco Funds

The committee felt there should be an item on the Finance Committee agenda or some other committee that addresses the strategy the Board will use to request some of the funds. Dr. Howard said the SDOE is seeing an increased amount of revenue coming for drug treatment to the schools and felt that should be one of the items included.

Finance Committee agenda on file as Exhibit #12 with the Office of the State Board of Education.

LEGISLATIVE AFFAIRS COMMITTEE

1. Prefiled Legislation

a. Displaced Homemakers

It was moved by Mr. Boyd and carried (6-0) to approve the proposed legislation to change *Idaho Code 39-5002* to update the definition of “displaced homemaker.” (Motion #11)

b. Public Records Exemption

Pulled.

c. Historical Preservation Act

Mr. Satterlee said the definition of some of the act’s terms were of concern to him, i.e. what “environs of affected property” is, and what constitutes a parcel of property that is “subject to or eligible for inclusion.” He was concerned that several college buildings would fall under the act which would create problems with renovation or construction. He was also concerned that the act could usurp Board authority over its buildings.

Dr. Fitch said the Presidents’ Council had reviewed the legislation and was also concerned about its provisions including the possible usurpation of Board authority over campus buildings. The Division of Financial Management has prefiled the legislation, but will withdraw it if it is not approved by the Board.

Mr. Eaton felt the Board should contact the Historical Society and communicate its concerns to them. Mr. Davis asked Dr. Fitch and Mr. Satterlee to make the contact.

It was moved by Mr. Boyd, seconded by Mr. Hammond and carried (7-0) that the Board not concur with this piece of legislation which would add the Historical Preservation Act to *Idaho Code*. (Motion #12)

2. Administrative Rules

Mr. Boyd reviewed the status of pending rules.

3. Other Potential Legislative Topics

Mr. Boyd reviewed legislative matters being addressed by other entities. One of the topics is Community College Funding. He felt that would directly impact governance and suggested Board members consider its ramifications.

4. November 10, 1999 SBOE/Legislative Videoconference

Mr. Boyd asked Board members to submit topics for consideration or any suggestions on how to make the meeting more successful.

Mr. Hess asked if legislators had been invited to submit topics. Mr. Boyd said they had been asked. He also said that a representative of the Exiting Standards Commissioners would be invited to attend in order to respond to questions. Dr. Dillon will review the standards process and Mr. Tom Luna will review what the commissioners have done.

Other suggestions:

- Mr. Eaton - student debt and fee increases.
- Mr. Davis - invite student body presidents.
- Mr. Boyd - status of school facilities committee.
- Mr. Boyd - status of school safety.

Mr. Boyd said the Lieutenant Governor and various legislators were interested in the Board's strategic plan and; therefore, it might be brought into the dialogue.

Mr. Hammond asked Dr. Howard if the Reading Initiative was far enough along to include as a discussion topic. She said an update has been given to the representatives of the legislative committee.

5. Tobacco Settlement Funds

Mr. Boyd asked Dr. Fitch and Mr. Killworth to prepare a letter to the Governor asking for a share of the money and stating how it would be used. Mr. Eaton suggested funding for Senator Lee's scholarship proposal be included in the request. Dr. Dillon asked that funding for exiting standards also be included.

Legislative Affairs Committee agenda on file as Exhibit #9 with the Office of the State Board of Education.

OTHER

1. What Matters Most/Idaho's MOST

Dr. Patty Toney said the What Matters Most Advisory Group recommended a name change of the Idaho's What Matters Most initiative to Idaho's MOST (Maximizing Opportunities for Students and Teachers) to create a state initiative identity.

It was moved by Dr. Dillon, seconded by Mr. Hammond and carried (7-0) to approve the request to change the name of What Matters Most to Idaho's MOST. (Motion #3)

Exhibit #2

2. Final RuleMaking: Charter School Rule

In June 1999, the SBOE approved for First Reading the revision of the Charter School rules to meet changes to the governing statutes made by the legislature last session. Those rules have been through the required public comment time and no adverse comments were received.

The public hearing for the Final Rule commenced October 21, 1999, at 8:15 a.m. The following persons testified: None

At 8:16 a.m., there being no testimony, the public hearing was closed.

It was moved by Dr. Dillon, seconded by Dr. Howard and carried (7-0) to approve the request for the Final Reading of the changes to the Charter School Rules. (Motion #4)

Exhibit #3

3. Final RuleMaking: State Student Incentive Grant

In June 1999, the SBOE approved for First Reading the rules reforming the State Student Incentive Grant (SSIG) program to meet new requirements of the Leveraging Education Assistance Partnership (LEAP) program. Those rules have been through the required public comment time and no adverse comments were received.

The public hearing for the Final Rule commenced October 21, 1999, at 8:17 a.m. The following persons testified: None

At 8:18 a.m., there being no testimony, the public hearing was closed.

It was moved by Ms. McGee, seconded by Mr. Hammond and carried (7-0) to approve the request for the Final Reading of the rules reforming the State Student Incentive Grant program to conform with the new Leveraging Education Assistance Partnership program. (Motion #5)

Exhibit #4

4. First Reading: Approval of Proprietary School Rule

The public hearing for the First Reading commenced October 21, 1999, at 8:19 a.m. The following persons testified: None

At 8:20 a.m., there being no testimony, the public hearing was closed.

Mr. Satterlee asked that the motion reflect the changes and that if there is no public adverse public comments, it also be approved for Final Reading.

It was moved by Mr. Hammond, seconded by Ms. McGee and carried (7-0) to approve the First Reading of the changes to the Proprietary School Rules. (Motion #6)

Exhibit #5

5. Statewide Strategic Plan, 2000-2005

Mr. Mike Killworth presented Draft #9 of the Statewide Strategic Plan, which included input given by Board members. Mr. Hess said he had the following additional input:

1. Technology goals of the prior plan have not been implemented, i.e. establishment of an on-going system to review innovations and recommendations of state-of-the-art delivery.
2. The plan should be reviewed oftener than every three or four years.
3. There should be a stronger component in the use of technology in the education process.
4. Follow the goals of the plan.
5. Put appropriate accountability provisions behind funding.

Mr. Davis suggested that under the Legislative Core Principles the word “increased” instead of “higher” be used.

Dr. Dillon addressed two items relating to the Legislative Core Principles:

1. Item 4 - change to “the Board will exercise its constitutional mandate and oppose anything that undermines it or outside influences.”
2. Item 5 - the statement that “the Board opposes legislation that mandates specific curriculum” was a little narrow and needed to be changed to say “the Board may have supervision of, but the final authority is with local districts and the Board will not mandate specific curriculum.”

It was moved by Dr. Dillon and seconded by Mr. Hammond to approve the request to adopt Draft #9 of the Idaho State Board of Education’s Statewide Strategic Plan, 2000-2005. **No vote taken.** (Motion #7)

Mr. Hammond did not think a motion was appropriate at this time. He suggested there should be a motion to table action until the next meeting, where it would be approved after the changes have been incorporated.

Mr. Hess urged Board members to carefully look at the plan as it is the road map for going forward.

Mr. Killworth said he had asked the institutions and agencies to provide input. He said he would re-circulate the document to Board members for review.

It was moved by Mr. Hammond, seconded by Dr. Dillon and carried (6-0) to table Motion #7. (Motion #8)

Exhibit #6

6. NICHE Update

Dr. Michael Burke updated the Board on the Northern Idaho Center for Higher Education (NICHE) agreement, which includes North Idaho College, Lewis-Clark State College, the University of Idaho and Idaho State University.

1. In October 1998 the SBOE asked the four institutions involved in what was then called the Multi-Institutional Higher Education Center to pursue the formalization of an agreement establishing a proposed collaborative center in North Idaho. An inter-institutional work group was established to study the request. The group included representatives from each institution as well as a cross-section of people who are most

- directly impacted by the agreement.
2. The document describes a commitment to a collaborative system for the planning for and the delivery of higher education to benefit the region, and also the delivery of instruction and support services in North Idaho.
 3. The intent of the collaboration is to benefit the region and provide access to higher education and, hopefully, reduce the costs of delivering educational programs and improving overall efficiency.
 4. The agreement, signed August 30, 1999, works within the role and mission statements while allowing for the nuances that are particular to existing regional collaborations. The intent of the agreement is that all new programming introduced via NICHE be based upon student needs. It addresses the parameters of the collaboration, role and mission, shared programs, student services and overall management and oversight. It also formalizes the NICHE Oversight Council (meets twice a year), the Local Operations Management Committee (meets monthly) and the NICHE Advisory Council (meets quarterly).
 5. Ms. Judy Meyer and Mr. Dennis Wheeler have accepted seats on the Advisory Council.

Mr. Davis asked if a collaboration could be done in Southwestern Idaho. Dr. Richard Bowen said they are discussing a collaboration in Twin Falls and the Magic Valley area.

Mr. Davis asked what the implications were for the institutions that are not a part of the agreement, i.e. Boise State University or Eastern Idaho Technical College. Dr. Charles Ruch said that BSU was included in the planning, but its resources are in the Treasure Valley.

Dr. Dillon asked if there were a way to break out duties and responsibilities so the Board can get a sense of who is doing what. Dr. Robert Hoover said they planned to begin doing it when the Idaho Falls report is given in April.

7. BSU Beer and Wine Sales at the Pavilion

Dr. Charles Ruch brought a request to the Board to allow the sale of beer and wine at selected Pavilion events.

Dr. Ruch said that approximately 17 years ago BSU and the community joined together to create a joint-use facility called the Boise State University Pavilion. The Pavilion operates as an athletic Pavilion as part of the University, but also operates as a civic auditorium and a community entertainment facility. The first 15 years, the Pavilion was the only facility of its type in the Treasure Valley and was successful. However, two additional facilities have opened which compete with the Pavilion. Both

serve beer and wine, which puts BSU's negotiators at a competitive disadvantage when trying to attract performers. An additional factor contributing to the problems encountered in booking performers is that the number of promoters has been reduced to two. It is felt that a significant number of acts have been lost which has cost BSU approximately \$500,000. He felt that if something was not done to even the playing field, in a short time the Pavilion would be in a very difficult financial situation. Currently the budget is being balanced by deferring maintenance and by drawing on fund balances.

Dr. Ruch said they have put together a plan to deal with the financial problems:

1. He did not feel student fees should be used to bail out a something that is a marketplace phenomena.
2. Legislators have not expressed an interest in providing funds because when the Pavilion was built, it was built with the understanding that there would be no state dollars.
3. Some private funds might be available. However, not to the extent and for the long-term that is needed to support the facility.

Dr. Ruch said they were asking for permission to sell beer and wine at ticketed events when the Pavilion is acting as a public auditorium. Beer and wine sales would be prohibited at athletic events, non-ticketed events and any events where the performer or sponsor asks that it not be done.

Dr. Ruch said they have talked to individuals in the community and the feedback ranges from "We wish it wouldn't happen. We don't like the way the world is going, but we understand." to those who think it is a reasonable approach to a difficult problem.

BSU officials have talked to security and risk management attorneys and if approval is given, they will advise BSU on the best way to provide the service.

Dr. Ruch said it is the consensus that if the Pavilion is to continue to grow, it needs to be able to compete in the marketplace on a level playing field.

Mr. Hammond said he felt the current policy was appropriate. However, he felt the Board needed to look at the fact that the building serves more than the campus—it serves the community. And, because it serves the community, he felt the rules and regulations for the use of the facility should be treated differently. He also felt the motion was a sound business decision in that it looks at the market and competition.

Mr. Hess asked for clarification of the civic financial involvement in the Pavilion, i.e. if it's a combination of university facility and civic facility, is there a line item in the budget for contributions to the facility. Dr. Ruch responded that as far as he knew, the building of the Pavilion was funded from

student fees and private money, i.e. corporate and individual lifetime memberships. Mr. Hess asked if there were any city-initiated funds. Dr. Ruch said there was not, and also when permission was given to construct the building, it was with the explicit understanding that it not be done with state dollars.

Mr. Hess asked if the term “other events as determined by the executive director or president” could include the types of activities that could possibly deteriorate into a civil disorder environment. He also asked if the intent of the guidelines was to include the discretionary power to exclude beer and wine in those venues that could deteriorate. Dr. Ruch said that was the intent. He said they market the Pavilion to the 40+ age group and do not market to teenagers,

Mr. Hess said he raised the issue because BSU was asking permission to go down a road that may concern some people. If approval is given and it is not successful, and it becomes necessary to attract venues that generate more money but also more risk, then what’s the next request? How do we control the next level of funding requests, if this doesn’t meet the needs?

Dr. Ruch said a response to Mr. Hess’s questions would require additional review. He said he did not bring the current request with great enthusiasm, but was bringing it based on his responsibility to address the problem. He was aware that the unintended consequences were risky, but he had confidence in the staff and in the record of the Pavilion in providing quality events. He said it has been discussed with the security people and their response was they would rather have it and manage it than have to deal with it coming in from outside.

Mr. Hess asked if there had been research on outcomes of this type of decision in other areas, i.e. crowd control, security, etc. Dr. Ruch said law enforcement was very helpful in assisting with writing the guidelines, which are more restrictive than in most venues. He said he has been assured they will play a role in deciding which events will be eligible. Those decisions will be based on what has happened elsewhere with a specific performer or act. They plan to move cautiously in order to reduce the risk of problems.

Mr. Davis asked Mr. Eaton to give a review of why the policy is in force. Mr. Eaton said there has been a tradition on some of the campuses to wink at the use of alcohol by underage people and there is a policy in effect that attempts to correlate what happens on campus to what the law is off campus. Prior to the adoption of the policy, it was felt by some that as long as the drinking occurred on campus, it was acceptable. The purpose of the policy was to impose restrictions and guidelines to try to control alcohol consumption by minors.

Mr. Boyd asked Dr. Ruch who would benefit financially from the sale of the beer and wine. Dr. Ruch replied that his understanding was that a contract is written between the event producer and the Pavilion and that the elements of the contract may include split on tickets, concessions (either with or without beer and wine) and/or souvenirs.

Mr. Boyd asked if consideration had been given to the opinions of people who are adamantly opposed to the sale of beer and wine on any campus. Dr. Ruch said they had been considered, but the preponderance of opinion was an understanding of the situation.

Mr. Davis was concerned about liability issues and also that there would be a dependency on non-educational sources for a facility that was intended for educational purposes. Dr. Ruch said the Pavilion was built both as an educational facility and as a facility to serve the entertainment needs of Boise. Dr. Ruch said the liability issue has been looked at and it is felt that BSU will be protected.

Mr. Eaton asked Dr. Ruch to review the guidelines to ensure they can be met. He also asked if expansion of the Pavilion was planned and if any expansion would include corporate donations. Dr. Ruch said a renovation of the facility is part of BSU's long-range plan and that they will be approaching potential donors. When BSU gets closer to the goal, Dr. Ruch will bring a request to the Board.

Mr. Hess said he disagreed with the premise that a business decision should be the driving factor; that it should be driven by societal implications. If that was the case, other vice-type, money generating activities that would do better than beer and wine should be explored. He said there is a nation-wide attempt by university presidents to get beer and wine off of campuses and felt it was incongruent to put it on the BSU campus, even for specific venues.

Dr. Dillon said he did not agree with Mr. Hess and felt approval would not mean allowing beer and wine on campus for student consumption, but would make the facility available for adults.

Mr. Eaton said voting in favor of the request did not mean any Board member is necessarily voting in favor of any similar future request. He said this particular request, i.e. the nature of the facility and the description of the facility is very important to the vote.

Mr. Davis said there is currently a policy allowing alcohol on campus under specific conditions and with Board approval, and that what is being determined today is the expansion of those conditions. Mr. Eaton said he did not see this request as an exception, but as following current policy.

Mr. Davis asked if presidents currently have the authority to announce to the Board that a particular facility on campus can sell beer and wine. Mr. Satterlee said the president does not have the authority to just designate an area for the sale of alcohol. The present policy allows the president to designate certain non-public areas for alcohol consumption and advising the Board office of that non-public designation is sufficient. Board policy generally states that in the public areas the service and consumption of alcohol is not allowed unless the president brings a request to the Board.

Mr. Hess asked if the privilege could be revoked, if problems are created that can't be

resolved. Dr. Dillon said it could be revoked.

Dr. Ruch said if the sale of alcohol does not resolve some of the problems, they would be looking at whether it was the result of management or a fiscal issues.

It was moved by Dr. Dillon, Ms. McGee and carried (8-0) to require an annual review by the Board and presidential reviews on a quarterly basis. (Motion #9)

It was moved by Dr. Dillon, seconded by Ms. McGee and carried (6-2) to approve Boise State University's request for beer and wine sales at selected Pavilion events, according to the enclosed guidelines for beer and wine sales. (Motion #10)

BOISE STATE UNIVERSITY
PAVILION

GUIDELINES FOR BEER / WINE SALES

The following criteria will be used to determine when and how beer / wine may be served during selected public events held in The Pavilion at Boise State University. Only ticketed events deemed appropriate and consistent with the mission of the Pavilion as a municipal auditorium would be eligible for such consideration.

Beer or wine will NOT be served at the following events:

BSU Athletic events
Non-ticketed events
NCAA events
Other events determined by Executive Director or President
Request by Artist/Promoter

CRITERIA: The following will be considered in selecting events for the sale of beer or wine:

Mean age/demographics
Seating/stage configuration
Event staffing ratios
Artist request/sponsor

FORMATS: The Pavilion will serve beer or wine in one of the following formats.

- Restricted Service: A confined beverage garden environment with service not to extend past intermission.*
- Limited Service: Specified location(s) and/or level(s) of the facility with service not to extend past intermission.*
- Full Service: Available throughout the facility with service not to extend past intermission.*

PROCEDURES FOR SERVING BEER / WINE

SERVICE PROTOCOL

Beer and wine will be served in cups that are easily distinguished from soft drink cups.

Prices will be competitively set, but never too low to encourage over-consumption.

Hawking within the arena will not be permitted.

The Executive Director or his/her designee may stop the service of beer and wine in any situation where patron safety is an issue.

*For events without an intermission, service will terminate one (1) hour prior to the end of the performance.

SERVICE TRAINING

Servers: A nationally recognized program such as TIPS/TEAM training will be required for all servers.

Managers: Designated managers of the Pavilion, concessionaire and Patron Services staff will be required to attend "Train the Trainer" program in conjunction with server training.

Ushers/Ticket Takers: All ushers will be required to attend specialized usher training by certified trainers.

All staff will be trained to effectively deal with underage or excessive drinking.

Training will be an ongoing process.

RISK MANAGEMENT

Identification Checks: Doors. When necessary, ID's will be checked entering the arena and

wristbands will be issued to all patrons of legal age. Marking wristbands at the point of sale can control beverage purchase limit.

Point of Sale: ID's will be checked upon entering the beverage line or when the patron reaches the counter. Depending on demographics wristbands may or may not be utilized.

Crowd Management Services (CMS): Adequate CMS personnel will be present to assist with any situations that may arise. CMS personnel are off-duty police officers in plain clothes who are contracted by the Pavilion to provide a high level of security.

Command Presence: Uniformed police/deputies will be staffed when deemed necessary by the Executive Director.

Holding Area: A holding area will be available for use by the CMS for patrons who are a potential problem or who require assistance. CMS and the Medical Team will be in close communication.

Transportation: The Pavilion will develop and maintain a partnership with a local taxi company (s) to provide rides for any patron who requires assistance. Information regarding ride assistance will be prominently posted within the facility.

Insurance: Appropriate coverage will be provided in accordance with the State of Idaho Tort Claims act and general business practice.

Ms. McGee said a request has been made by the symphony to use the Idaho State University Alumni House to serve beer and wine. Dr. Bowen said he would review the request and determine whether or not to bring it to the Board.

Exhibit #7

8. IPTV Program Selection Process

Mr. Davis said he did not want to discuss the issue of homosexuality or the video It's Elementary nor did he want to add, subtract or change the Governing Policy and Procedures which delegates responsibility for internal management decisions to the chief executive officers.

Mr. Davis said he invited Mr. Peter Morrill to tell the Board of IPTV's program selection process. He asked Mr. Morrill to help the Board and others understand his vision of the following

statements from the SBOE Governing Policy and Procedures manual:

1. Programming accountability and credibility. The chief executive officer is also responsible for the preparation and submission of an agenda for matters related to the Idaho Educational Public Broadcasting System for Board review and action.

Such internal policies and procedures are subject to Board review and action.

Mr. Davis asked for answers to the following questions:

1. How much legal authority does the general manager of Idaho Public Television have to determine the educational needs of Idaho for appropriate consideration?
2. What legal boundary conditions exist for the management of Idaho Public Television as it relates to program selection?
3. What is the legal name of Idaho Public Television, i.e. Idaho Educational Public Broadcasting System or Idaho Public Television?

Mr. Davis spoke regarding his experiences in Rumania, where freedom of the press and, academic freedom were stifled by a non-responsive government. This created an atmosphere of anger and rebellion among the people which led to that government's overthrow.

Mr. Morrill reported to the Board:

1. The program It's Elementary was reviewed and approved for broadcast according to adopted policies and procedures that Idaho Public Television has followed for nearly two decades. These are the same policies and procedures that are used by other PBS stations in the nation.
2. The general manager reviewed and approved the schedule for broadcast in strict accordance with the legislation that created the agency in 1982, and is called for in the Articles of Integrity that the SBOE and IPTV signed in 1987, along with 34 other public television networks.
3. IPTV provided another forum for different voices to be heard on the subject through the production of a Dialogue follow-up program, in accordance with program policy and procedures.
4. IPTV also offered major opposition groups the opportunity for rebuttal time as long as the program met FCC and PBS programming policy guidelines for a non-commercial channel. That offer was not taken advantage of.
5. On Friday, June 18, 1999 the SBOE voted unanimously not to alter the program

selection process. Mr. Morrill felt that was the correct position for the Board to take and that it was also in accordance with the Articles of Editorial Integrity.

6. After established policies and procedures were followed, It's Elementary was broadcast on September 7, 1999.

Mr. Morrill said IPTV attempted the best it could to acknowledge and respond to each of the 2000+ contacts regarding the program. The opinions, the stories, the people were honest, heartfelt and very, very Idahoan. He said he cared about the opinions of the Idaho public and they were of two minds. He felt that although it was a difficult subject for some, in the end the viewer would have to make the decision on whether or not to watch the program and the Dialogue follow-up.

Mr. Morrill introduced Mr. Fred Esplin, General Manager of the Utah PBS station, a recent chair of the PBS Program Policy Committee and a member of the National PBS Board.

Mr. Davis asked Mr. Satterlee to address the Board regarding his legal questions.

1. What is the legal name of Idaho Public Television? Mr. Satterlee replied that Governing Policy and Procedures designates Idaho Public Television as the Idaho Educational Public Broadcasting System, and that similar language was used in the 1982 legislation that shifted public television to the State Board of Education.
2. Where is the legal authority? What are the guidelines? What are the boundary conditions, etc.? Can the manager show anything he wishes? Mr. Satterlee replied that because educational public broadcasting is in essence a governmental operation, it is bound by some constitutional restrictions on freedom of speech. While a very complex area of the law, the restrictions are that when public broadcasting chooses a program to air, it must keep in mind that the topic being presented is appropriate for the forum and it must make its decisions in a view-point neutral fashion.

However, the U.S. Supreme Court has also held that educational public broadcasting still has journalistic and editorial integrity and is not in any way bound to express the views of anyone who chooses to send its views to the station, i.e. not everyone who requests it gets access to public television, only those that meet the appropriate editorial criteria. The Supreme Court has stated that if there is an appropriate set of guidelines and procedures through which a public broadcasting station determines what is appropriate for the form and does so in a view-point neutral fashion, then they will be granted broad editorial discretion and they will be insulated from someone who claims freedom of speech or you should have aired my program rather than the other program.

Mr. Davis said he would have rejected the showing of the program based on the merits of one scene he observed, i.e. a scene whereby teachers propose there are conditions under which parents who teach their children a lifestyle that is different from what the teacher feels is appropriate are wrong. He was concerned about the idea of overriding parents and did not feel publicly owned facilities should be used to advocate the short-circuiting of parental responsibility. He asked where the issues of parental input and rights are from a legal perspective. Mr. Satterlee said it was a difficult legal question, but felt the requirements of law would be met by following the appropriate forum and view-point neutral guidelines. Mr. Eaton said that when an expression is being critiqued, the Supreme Court has ruled that the expression in its entirety must be viewed and not snippets, segments or parts of it.

Mr. Davis asked Board members to attend the JFAC session when Mr. Morrill gives his presentation. Mr. Davis asked Mr. Morrill how he would respond to a legislator who might ask him what he would do different next time. Mr. Morrill replied that while the past several months have been challenging, he felt program policies were followed and that he would again make the decision to air the program.

Mr. Hammond felt the issue the Board needed to respond to was how to respond to a general public who says on any given issue that they do not think its appropriate in Idaho and we don't want that issue aired at all. Mr. Davis agreed, but did not feel the Board would be able to address it at this meeting. He also felt there was a freedom of speech issue that needed to be reviewed.

Dr. Dillon said the Board did have an option as the film was made available to Board members to view prior to its decision. He felt a decision to restrict the showing of the film would have led to a lawsuit with the final decision being made by a judge which would have eliminated public debate on the issue. He believed the guidelines and policy were followed and that the issue needed to be put to rest. However, he felt there could be problems with the legislature approving the \$11M digital upgrade as they might ask themselves if it was an appropriate way to spend money.

Mr. Davis said he differed with Dr. Dillon on one point in that Mr. Morrill could have joined the 80 stations that elected not to show the program, or he could have joined the 200 stations that did not make a decision on showing it, but he chose to go with the other 85 stations that elected to air the program.

Mr. Davis said what the Board voted on was not the showing of the program as Mr. Morrill has the authority to make the decision. What the Board did was to say he had the authority to make the call. Dr. Dillon differed and said he had reviewed the video, as did other Board members, and when they reviewed the video and thought about the consequences, what was elected to do was to say that the Board would not censor as it agreed the manager had made a proper decision. He did not feel that was an endorsement of the program, but what the Board did was not censor.

Mr. Fred Esplin said the issue was a fundamental and important one throughout the country, and is particularly important to the media because of editorial integrity and freedom of the press. He felt the IPTV decision was completely and fully within the realm of the PBS programming policies that have existed for nearly 30 years. He quoted from two of the policies:

1. Editorial Integrity in Program Decision Making: PBS's reputation for quality reflects the public's trust in the editorial integrity in the PBS programs and the process by which they are selected. To maintain that trust, PBS and its member stations are responsible for shielding the programming process from political pressure or improper influences from program funding sources.
2. Controversial Programming Decisions: PBS seeks programs that provide courageous and responsible treatment of issues, and their report and comment with honesty and candor on social, political and economic tensions, disagreements and divisions. The surest road to intellectual stagnation and social isolation is to stifle the expression of uncommon ideas. The ultimate task of weighing and judging a program's information and viewpoint is, in a free and open society, the task of the viewer. Therefore, PBS seeks to assure that its overall program schedule contains a broad range of opinions and points of view, including those from outside society's existing consensus, presented in a responsible manner and consistent with the standards set forth in these program policies.

Mr. Esplin said the issue of airing controversial programs comes up from time-to-time in all markets. A documentary profiling Joseph Smith, the founder of the Latter Day Saints Church, The American Prophet is scheduled to air on PBS in Salt Lake City on November 26 and on December 1 on IPTV and will also air nationwide. Within that program are a number of people, including leaders of the LDS church, who express their views about the divine calling of Joseph Smith and his having received visions and gold plates and that, in the minds of many citizens in this country is heresy, maybe even blaspheme. Having that message shared is offensive to them and there is some controversy in some parts of the country including Salt Lake City.

Mr. Esplin said that program selection decisions whether they have to do with sexual preferences, religion, politics or economics do from time-to-time create controversy, and if a public television station is doing its job, that will happen. The tough call on the part of the Board is to decide whether to trust in the manager to make those decisions and to back him or her up when they are made. Mr. Esplin commended the Board for dealing with the issue as it has done.

Mr. Davis asked Mr. Esplin to define what would be proper influences. Mr. Esplin replied that in his judgement and speaking from experience, it is the responsibility of the Board to set the policy within which management operates and the responsibility of the management to make sure that they are

attuned to, sensitive to and responsible to the public they are trying to serve by interviews, public surveys, transcriptions and telephone calls. However, this can be difficult when there are a number of people who welcome the perspective and there are other people who are angry that that perspective was given air time. He felt it was clearly the responsibility of the managers to understand the audience, but that does not mean avoiding airing programs that cause concern. And, in fact, if no controversial programs were aired, the management would be abdicating its responsibility.

Mr. Eaton asked if It's Elementary was broadcast in Salt Lake City and asked Mr. Esplin to describe differences in the decision processes. Mr. Esplin said the program was shown in Salt Lake City and the decision process was virtually the same, but as his station is licensed to the University of Utah, it does not have direct accountability to a Board. He also added that the Salt Lake City showing did not generate the same public outcry as it has in Idaho.

Mr. Hammond said the policy talks about serving the public and the public standard and taking those into account when programming decisions are made. He asked Mr. Morrill and Mr. Esplin to respond to what that means to them as they make their decisions, i.e. how do they assess what is appropriate for their public.

Mr. Morrill responded that since 55 percent of IPTV's operating budget comes from individual contributions, they look at information such as letters, telephone calls and electronic mail (the contacts were approximately 1,000 in favor and approximately 1,400 against airing the program). Additionally, input received from the four non-profit boards associated with the station, from Nielson Data, from Idaho newspapers and from staff who sit on SBOE committees is considered. Mr. Morrill said that prior to making the decision to air It's Elementary, IPTV received approximately 350 communications which was an unusual amount for a program that had not yet been scheduled for broadcast.

Mr. Esplin said their process was identical to the process used in Idaho. He said he did not make program decisions based on his own personal beliefs and did not feel Mr. Morrill did either.

Mr. Hammond asked if there has been decisions not to show programs that might be too offensive to the community. Mr. Esplin said occasionally such a program is not aired or is aired in a later time period. Mr. Morrill agreed and said in the early 1990s a program came from the PBS core schedule that IPTV elected not to broadcast because they felt it was offensive and had some graphic scenes.

Dr. Dillon said the Board voted not to censor and that if Mr. Morrill decided to air the program, equal time would be given to opposing views. He felt that by not censoring the program, the Board better served the public by having the discussion out in the open.

Mr. Davis felt that if there are things to be learned from the experience one was that literature provided in the agenda informing the Board what IPTV is doing with K-12, Health and Welfare, etc. is needed. He recommended Mr. Morrill look seriously at the list of underwriters to determine if there is balance as it relates to issues so he does not receive too much of one side of an issue.

Mr. Davis asked Mr. Morrill to keep the Board updated and look at things IPTV is doing where it is felt proper influence is being exerted towards the management and which also allows for citizen input. Mr. Eaton felt if there is an imbalance, it is incumbent to find out where the process is flawed so it can be identified and remedied.

Exhibit #8

9. BSU Western Athletic Conference

Dr. Ruch reported BSU was invited to join the Western Athletic Conference (WAC). The invitation was precipitated by a long series of events relating to the unstable situation of 1A intercollegiate athletics in the west. If approved, the change will take effect July 1, 2001.

Dr. Ruch felt BSU should leave the Big West Conference as it is felt that it will not be a football conference after July 1, 2001, and it is to BSU's advantage to belong to an all-sports conference. Stable all-sports conferences build on the best of intercollegiate athletics by allowing for interactions in terms of scheduling and recruiting and also in terms of institutional rivalries and collaborative relations, and it is felt that there is a good match between BSU athletic programs and what the WAC offers. Additionally, the WAC is a ten-member conference, which does not put the conference in survival jeopardy should any member school leave. He felt attendance in both football and basketball would be larger if the teams were playing other WAC members than the members of some of the other conferences.

Dr. Ruch said the major costs associated with changing conferences occur when there is a shift in levels, i.e. Level II to Level IAA. However, both the WAC and Big West are IA so, in many respects, it will be a lateral move, i.e. scholarship numbers will remain the same, the number of coaches will remain the same, the number of contests will remain the same, the number of facilities remain the same and the number of sports remain the same. He felt there would be upward pressure on coaches' salaries and on facilities, regardless of the conference. There will be a slight increase in travel of approximately \$31,000 per year. Conference dues, promotion and marketing and miscellaneous suggest the first year it would cost \$186,750 in additional expenses. On the revenue side, it is anticipated that football revenue will increase, television revenue will increase, fund raising will increase, sponsorships will increase and conference distribution (primarily from NCAA basketball tournament television contracts whose amount is based on the performance of each of the teams in the conference)

will increase from \$35,000 in the Big West to \$167,000 in the WAC.

Dr. Ruch said it would cost \$600,000 to join. That is reduced from BSU's conference payout over a three-year period so there is no net increase to the institution, they would just defer the full share as opposed to a half or quarter share during the years you join the conference.

Dr. Ruch said the first year, BSU will be in the black by \$83,000; years two and three at \$135,000 each; and after that at least \$300,000 to the good over staying the in Big West, assuming things remain the same.

In gender equity, at the worst it is a wash, but Dr. Ruch felt the change will help meet gender equity requirements by providing additional money for women's sports and that there is a greater number of women's sports in the WAC.

Dr. Ruch said he has spoken to Dr. Hoover and they have agreed to maintain the longstanding sports rivalry between Boise State University and the University of Idaho. The athletic directors are currently working on the schedules.

Dr. Ruch felt the projected revenue increases were on the modest side, but the projected expenses are accurate and recommended approval of the change.

Mr. Davis asked for additional information on the interstate rivalries with both the UI and ISU. Dr. Ruch said the rivalry with the UI will continue as always, i.e. a home game, back and forth between the institutions. He said they are working with ISU to establish an equitable package.

Dr. Dillon said he would have preferred it if the UI were also in the WAC, but realized that was not a decision of the Board. He said he was confident that Dr. Ruch and Dr. Hoover would work something out that would benefit both athletic programs. He did not feel the Board should get into the business of determining conference affiliations, but should allow the presidents to make those decisions. He felt the dollar numbers presented were realistic and felt the Board should approve the change.

Mr. Hammond was concerned that at a later date there could be as yet unidentified costs associated with the move. Dr. Ruch responded that there is always pressure to upgrade facilities; however, that is done with private dollars rather than university money.

It was moved by Dr. Dillon and seconded by Mr. Hess to approve Boise State University's request for athletic conference affiliation move. **The motion was amended** to review the numbers that have been presented in year one, year two and year three. **The motion was further amended** to instruct that there be a continuation of the rivalry and the home-and- home games between

the UI and Boise State. **The amended motion carried (7-1)** (Motion #25)
Exhibit #13

10. Exiting Standards Public Hearing

On October 21, the Board adjourned at 4:30 p.m. for the public hearing on exiting standards.

11. Exiting Standards - Final Rule Approval

Dr. Dillon presented a review of the history of exiting standards in Idaho, where the process is and the Exiting Standards Commissioners' recommendations.

Mr. Davis said he appreciated the input from the citizens of the state regarding the standards. He said he his company has had problems for the past 20 years in hiring high school graduates in that they are falling short in reading comprehension, communication and mathematics. As a result of these deficiencies, his company no longer asks for a high school diploma. His company is opening a corporate office and a principal part of the building will be used as a training facility for its employees, and that other companies are having to do the same because of the failure of the public school system.

Mr. Hammond was concerned with impact on teachers of the public perception that educators are failures. He said that one of his frustrations as an administrator was that there was not a set of standards he could give to his staff to guide them in what they needed to be teaching. He cautioned that no matter what standards are set there will always be parents and educators who will argue against them, but, if the failures in public education are to be addressed, minimum standards must be set.

Dr. Howard asked that it be noted that among the most powerful advocates for standards are people who work in education. She felt that when students can identify what they need to know in order to move on, their motivation is increased. She also felt that it was also a validation to those working in the schools that what they are doing is meeting the needs of students.

Mr. Hess asked for clarification on the net effect of approving Motion #26. Dr. Dillon said all that would be approved by the motion was the core curriculum.

It was moved by Dr. Dillon and seconded by Mr. Hammond to approve the Final Adoption of the five subject core areas as recommended by the Exiting Standards Commissioners. **The motion was amended** to approve the four core areas, excluding science. **The amended motion carried (8-0)**. (Motion #26)

Mr. Davis felt what is needed is people who can look at theories from the science community

and determine what supports and what does not support them. He added that while he supports Motion #27, that does not mean he supports Creationism being taught in schools.

Ms. McGee felt that science taught correctly would present all views on the topics and felt it was premature to single out one area. Mr. Davis said that while many teachers do teach in that manner, the standard is approaching on the basis that it is true. He felt that if students are taught that it is true, the same degree of rigor should be placed on reasons why it is not true.

Mr. Hess said he agreed with Mr. Davis's premise but was concerned that one of the unintended consequences of singling the issue could create division within a community, i.e. there could be confusion regarding what constitutes weaknesses and strengths.

It was moved by Dr. Dillon and seconded by Mr. Hess to approve the amendment to include in the Science Standards, Section V.A.2, Subsection i, (IDAPA 08.02.03.355.01) the requirement to "list two strengths and weaknesses of the Theory of Evolution." **The motion failed (1-7).** (Motion #27)

It was moved by Dr. Dillon, seconded by Mr. Hammond and carried (7-1) to approve the Final Adoption of the Science Standard. (Motion #28)

It was moved by Dr. Dillon, seconded by Ms. McGee and carried (8-0) to change the Exiting standards Implementation date from July 1, 2004 to July 1, 2005. (Motion #29)

It was moved by Dr. Dillon and seconded by Mr. Hess to approve the recommendations of the Exiting Standards Commission as a concept design for the implementation of the Exiting Standards. **The motion was amended** to include the following understanding:

1. It is understood by the State Board of Education that the standards themselves are approved, but the implementation method is not yet in rule.
2. The Exiting Standards Commission's recommendations constitute a guideline as to the implementation procedures.
3. As these guidelines are further refined, each will be brought to the Board for formal approval.
4. After approval by the Board, the implementation procedures and guidelines will be written into Board rule.

The amended motion carried (8-0). (Motion #30)

Dr. Dillon read the 13 recommendations of the Exiting Standards Commissioners.

Mr. Hess asked that it be put on the record that the timetable is understood and set. Dr. Dillon said the intent is to stay within the approved timetable.

Exhibit #14

12. IDVR Update

Mr. Pat Young and Mr. Barry Thompson presented a report on the performance of the division during FY99.

Exhibit #15

13. JFAC Presentation

Mr. Davis said Mr. Boyd would be making the JFAC presentation, and that he is considering holding interim officer elections in January.

Exhibit #16

14. Executive Session

It was moved by Mr. Boyd and seconded by Ms. McGee to enter into Executive Session pursuant to *Idaho Code* Section 67-2345, 1 (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employees staff member of individual agent, or public school student; (d) to consider records that are exempt by law from public inspection; 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: Dr. Dillon, Dr. Howard, Mr. Hess, Mr. Boyd, Ms. McGee, Mr. Davis

NAYS: None

ABSTAIN: None

ABSENT: Mr. Eaton (arrived during session), Mr. Hammond (absent for roll call, attended session)

The motion carried (6-0). (Motion #36)

Ms. Severina Haws was asked to join the Board in Executive Session.

The Board discussed a proposed compensation package for University of Idaho President Robert Hoover.

15. UI President's Compensation

Mr. Davis asked Dr. Hoover and the UI Foundation to be aware that although the Board has questions, the Board continues to have high regard for Dr. Hoover and the other presidents. The questions are meant to ensure fairness for all concerned.

It was moved by Mr. Eaton, seconded by Ms. McGee and carried (7-1) to approve the document submitted, subject to final review by the Board's attorney. (Motion #37)

Exhibit #18

16. ISU Demonstrators

Demonstrators from Idaho State University arrived at the close of the meeting and distributed a handout protesting decisions made by ISU administration regarding the Janet C. Anderson Resource Center.

Exhibit #19

17. Good of the Order

Mr. Hammond asked if the employees from the agencies, institutions and the State Department could wear name badges to the meetings. Mr. Hess agreed. Dr. Howard said she would work with the Board secretary to get badges.

Exhibit Materials on file with the Office of the State Board of Education.

STATE DEPARTMENT OF EDUCATION

A. Letters of Approval

It was moved by Dr. Howard, seconded by Mr. Hammond and carried (7-0) to approve the requests for Letters of Authorization as submitted by the Professional Standards Commission and listed in the exhibit. (Motion #31)

Mr. Hess asked what percentage of teachers other than Special Education were teaching out of their disciplines. Dr. West did not have the information, but will get it to Mr. Hess.

B. Approval of Hardship Elementary School - Albion Elementary

Dr. Bob West and Mr. Tim Hill reviewed history of and the reasons for the application by the district.

Mr. Jerry Doggett, Superintendent of the school district, introduced citizens and educators from the district who supported the request.

Senator Denton Darrington, Representative Jim Kempton and Representative Bruce Newcomb reviewed *Idaho Code* relating to the request and supported approval of it.

It was moved by Dr. Howard and seconded by Mr. Hammond to approve the request by Cassia County SD #151 for Albion Elementary School to be designated as a hardship elementary school with the addition that the designation exists for one year. **The motion was amended** to require an annual report. **The amended motion carried (8-0).** (Motion #32)

Mr. Boyd asked who has the responsibility for bringing the annual review to the Board. Dr. Howard said her intent was to bring it to the Board through the SDOE agenda.

Dr. Dillon asked if the Board needed to be involved in clarifying the law. Rep. Newcomb felt there was a need for clarification and felt the legislature could work with the State Department of Education to do so. Mr. Davis asked Dr. Howard to work with legal counsel and the Legislative Affairs Committee.

C1. Professional Standards Commission Nominations

It was moved by Dr. Dillon, seconded by Dr. Howard and carried (7-0) to approve the request to appoint Diana Zigars to the remainder of Janet Burdick's term (through June 30, 2002) on

the Professional Standards Commission. (Motion #33)

C2. Professional Standards Commission Nominations

It was moved by Dr. Howard, seconded by Dr. Dillon and carried to approve the request to appoint Gary Brogan to the remainder of Roy Smith's term (through June 30, 2001) on the Professional Standards Commission. (Motion #34)

D. First Reading: Reading Assessment Results

GOVERNING POLICIES & PROCEDURES

SECTION: IV, Agency Affairs

SUBSECTION: B, State Department of Education

It was moved by Dr. Howard, seconded by Mr. Hammond and carried (7-0) to approve for First Reading the changes to Governing Policies and Procedures per the exhibit. (Motion #35)

E. Superintendent's Report

Dr. Howard reported on:

- A. School safety issues and work that is being done to address them.
- B. School-to-Work will remain in the broader picture of standards and the seamless system. Ms. McGee said she had a lot of questions and had asked Dr. Fitch to set up a meeting with Dr. Howard to address issues she brought up in her memo.
- C. Existing Standards are built on a philosophy of access and opportunity. Inherent in the standards and standards' discussion are opportunities, equal access, high academic standards, skills needed by industry, content knowledge and the ability to apply it and awareness of postsecondary requirements.

Agenda and materials on file as Exhibit #17 with the Office of the State Board of Education.

ADJOURNMENT: October 21, 4:30 p.m.
October 22, 2:00 p.m.

CERTIFICATION:

The minutes are not verbatim. However, to the best of my knowledge, they constitute a complete and accurate record of the proceedings of the meeting.

Recording Secretary: Vicki E. Barker