

# Instruction, Research and Student Affairs Committee Agenda

April 19, 2001 • 9:45 a.m. - 12 p.m.

Room 981•

Eastern Idaho Technical College / Idaho Falls, Idaho

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## **Subject**

- 1. Minutes of Instruction, Research, Student Affairs Committee Meeting:** March 22, 2001

## **Committee Action**

To agree by consensus to approve the minutes of the Instruction, Research and Student Affairs Committee meeting held on March 22, 2001 as written (Item 1, attached)

**Unapproved Minutes of the  
Instruction, Research and Student Affairs Committee**

March 22, 2001 • 1:30 p.m. - 3:20 p.m.

SUB • Farnsworth Room

Boise State University / Boise, Idaho

**PRESENT:**

Rod Lewis, Chair, SBOE	Karen McGee, SBOE	Blake Hall, SBOE
Marilyn Howard, SBOE	Jonathan Lawson, ISU	Jerry Gee, NIC
Daryl Jones, BSU	Dan Petersen, SDPTE	Robin Dodson, OSBE
DeVere Burton for Jerry Beck, CSI	Bob West, SDE	Nancy Szofran, OSBE
Rita Morris, LCSC	Randy Earles, Faculty	Lynn Humphrey, OSBE
Hal Godwin, UI Student Affairs	Brian Pitcher, UI	

**ABSENT:** Mary Ann Carlson, EITC

**1. Minutes Instruction, Research, Student Affairs Committee Meeting: January 23, 2001**

**Action:** It was agreed by consensus to approve the minutes of the Instruction, Research and Student Affairs Committee meeting held on January 23, 2001 as written.

**2. Ad Hoc Committee Minutes**

**a. Minutes of the Council on Academic Affairs and Programs Meeting: December 7, 2000.**

**Action:** It was agreed by consensus to approve the minutes of the Council on Academic Affairs and Program meeting held on December 7, 2000 as written.

**b. Minutes of Higher Education Research Council -- December 5, 2000**

**Action:** It was agreed by consensus to accept the December 5, 2000 minutes of the Higher Education Research Council exhibited in Item 2b.

**c. Minutes of Higher Education Research Council--February 6, 2001**

**Action:** It was agreed by consensus to accept the February 6, 2001 minutes of the Higher Education Research Council as exhibited in Item 2c.

**3. Definition of Professional Programs and Fees**

For over a decade, the State Board of Education has given special consideration on a case-by-case basis to requests from institutions to charge a professional fee for specific programs. The issue of tuition for a professional program raises significant constitutional and statutory questions, which are a matter of law and not just policy. The Idaho constitution prohibits the state colleges and universities from charging tuition to its residents. However, with State Board of Education approval, the

institutions are allowed to charge an additional fee for educational costs for students enrolled in specialized professional programs. Professional fees are an opportunity for the institutions to recover the costs of instruction. Because the "professional fee" is really tuition, approving those requests to charge a professional fee requires more scrutiny than normal "fees". At issue is that the Board has not clearly defined a "professional program".

Historically, SBOE approval was given when the program under consideration met three criteria: (1) professional licensing was required for the practice of the profession; (2) the professional program was within the requesting institution's primary emphasis (role and mission); and (3) the degree was terminal i.e., highest degree possible for the profession. However, these criteria are not identified in the Board's policy, Section V, Financial Affairs, 1.b.(4). Professional Fee.

The specialized degree granting programs currently approved to charge a professional fee are pharmacy, law, medicine, veterinary medicine, dentistry, physician assistant, physical therapy, occupational therapy, architecture and landscape architecture.

The Council on Academic Affairs and Programs held a special meeting on March 8, 2001 to discuss the issue of professional fees. At that meeting, CAAP identified several criteria that the Board may want to consider when approving a professional program to charge a professional fee. Those criteria are licensure, certification, specialized accreditation, uniqueness, and degree level.

The reason for the policy discussion is the University of Idaho's plan to bring to the State Board of Education in April 2001 a proposal from its College of Business and Economics to charge professional fees to students enrolled in several majors within the College. There was considerable discussion about the merits and policy implications of the University of Idaho's plan to request that the Board allow UI to charge a professional fee for those programs. However, Mr. Rod Lewis reminded the committee that UI's request is a separate issue from the Board's need to adequately define a professional program. He suggested that the committee and Board first evaluate the definition of a professional program to determine if it is sufficient or if it needs to be clarified or modified.

Mr. Blake Hall noted that the Board would need to make a distinction when considering a request where more than one institution offers the program in question, as is the case with the UI's anticipated request. When more than one institution offers the program it will impact other institutions who have similar programs. Consequently, in response to Mr. Hall's inquiries of the institutions, BSU, LCSC, and ISU representatives offered their comments with regard to expanding programs that would be allowed to charge a professional fee. Those comments included the difficulty of identifying specific groups as "professional", and other public policy concerns. The institutions responses varied with BSU and LCSC pointing out that all programs need better funding and UI's request may be a public policy approach to deal with the lack of adequate funding. ISU is comfortable defining professional programs within its health professions programs. They charge a number of professional fees and are supportive of a policy that allows professional fees.

Student Body representatives added that although there may be some individual students who do support the charging of an additional professional fee, UI students in general do not support professional fees. They were concerned about the impact of students being unable to afford more expensive professional fees.

Mr. Lewis wanted to ensure that UI's request will come to the Board and that the Board is prepared to consider that request. Mr. Hall noted that the intent of the draft policy change prepared by the Board staff is to provide a historical perspective and reflects criteria the Board has used in previous decisions. He was concerned that it could result in a changing standard for each request. Dr. Marilyn Howard was in favor of an established framework for professional programs. Dr. Robin Dodson noted that past Boards of Education have not defined professional programs because of the difficulty of doing so. Dr. Dodson said the critical question the Board must resolve is what is a professional program, and then its policy must reflect that standard. The debate is whether a professional program should be narrowly or broadly defined.

Mr. Hall suggested that two proposals for defining professional fees, one broad and one narrow, be presented and opened up for discussion to hear pros and cons of each approach, perhaps through a public hearing. Ms. Karen McGee supported Mr. Hall's suggestion. In response, Mr. Lewis suggested that those CAAP members who are supportive of the broadening of the definition (similar to differential fees) prepare a draft and white paper that takes a liberal approach in allowing types of programs for the Board's consideration, and those who are supportive of narrowing the definition through the traditional approach do the same. Dr. Howard supported this approach because it presents an opportunity to explain to the public the costs of delivering education and how fees are charged to cover those costs.

**Action:** It was moved by Mr. Blake Hall, seconded by Ms. Karen McGee, and carried to instruct staff to bring to the committee and the Board through the CAAP both a broad and a narrow definition of a professional program for the committee's consideration and action.

#### **4. Accelerated Learning Programs**

Dr. Robin Dodson explained that during the past several months, the Committee and the Board has heard and discussed several issues related to its policy on Accelerated Learning, especially the section dealing with dual enrollment. Board staff compiled the following for the committee: Idaho Code (Title 33 Chapter 51), current SBOE policy, Northwest Association of Schools and Colleges, Commission on Colleges' Standards, and executive summaries of the public institutions' current dual enrollment activities.

Dr. Dodson reported that the CAAP is currently working on adopting statewide adjunct faculty qualifications for dual/concurrent enrollment programs, defining dual enrollment courses, preserving and enhancing Advanced Placement (AP) offerings especially in rural communities, funding options, "best-practice" models, and communication action plans with the Idaho Association of School Administrators. The CAAP will be bringing a proposed policy change for Committee and Board consideration at the April Board meeting.

#### **5. Math and Science Preparation – Current Efforts**

At the January 23, 2001 IRSA meeting, CAAP was directed to develop a comprehensive plan for addressing math and science preparation. In addition, the Committee requested that a proposed timeline for the development and implementation of the plan be presented at the Board's February 2001 meeting. The Board accepted that timeline. One component of the timeline was the development

of a matrix of statewide efforts, including the established goals of each on-going math and science initiative in Idaho. Item 5 prepared by Dr. Trudy Anderson is the consequence of those efforts and could serve as the foundation for a Board plan with respect to math and science initiatives. Dr. Anderson's report indicated that the Board is doing significant work in the areas of curriculum, accountability, teacher quality, school finance and others.

Dr. Anderson explained that the recommendations of the white paper suggest that the Board should focus on curriculum, accountability and teacher quality when developing a math and science initiative. Some issues that Dr. Anderson suggested the Board might consider included students/assessment, curriculum alignment, Idaho's teacher supply and the number of teachers teaching out of area, higher education and related agencies, and marketing and communication to the public.

Dr. Marilyn Howard responded that the good news is that all the items that were identified by Dr. Anderson are now currently underway in Idaho. Dr. Howard identified several important assumptions that will be part of a successful Board math and science initiative. Those assumptions were that all kids must and can learn math; Idaho needs to prepare more teachers and prepare those it has more completely; kids need to take more (math and science) courses; Idaho needs more university and business collaboration; we need an assessment system that isn't too narrow; and Idaho must pull all committees together. She pointed out that the state will have plenty of data to serve as baseline information.

With the committee's consent Mr. Lewis instructed CAAP to bring to the committee for its consideration clearly established goals for what the Board should accomplish with math and science. The next step will be to develop effective and measurable strategies to accomplish that goal.

## **6. Intellectual Property Policy - Update**

The Board has maintained rules on Intellectual Property and Conflict of Interest for a number of years. This legislative session the Board successfully requested that the administrative rules on intellectual property be repealed, allowing the Board to govern intellectual property and conflict of interest matters through policy rather than rule. The repeal of this rule is effective on July 1, 2001. A first reading of the new policies will be forwarded to the Board in April, with an anticipated final reading in June.

Changes to the policy will address rights of ownership, negotiations, license agreements, and those items that are copyrightable and patentable. The revised policy is intended to provide a more uniform way of dealing with intellectual property issues, and one that is more proactive than the previous rule. The policy will also contain a standard distribution of income from commercialization, licensing, and Board-owned copyrightable works.

## **7. EPSCoR Committee Review - Update**

Dr. Robin Dodson reported that on July 26, 2000, the HERC took action as a consequence of SBOE directive to contract with Ms. Marianne Clarke, Director, Battelle, Inc., to review the Idaho EPSCoR program. That review was to be an extension of the scope of work involving the Governor's Statewide Science and Technology Advisory Council's strategic plan. The estimated cost of the project/review is

\$14,500. The current HERC budget does not have enough funds to complete the review in this fiscal year. Consequently, HERC at its February 6, 2001 meeting recommended that the Idaho-EPSCoR review be delayed until the FY02 budget has been appropriated, July 1, 2001.

## **8. First Reading Admission Standards Policy**

Dr. Dodson explained that it recently became apparent to CAAP and Board staff that the SBOE's policy on Admission Standards needed a few minor changes. These changes as exhibited in Item 8 were recommended to staff and the CAAP by the seven math chairs of the respective public postsecondary institution.

The policy changes will modify the established Math scores required for placement into college level math classes and clarify the use of ACT/ACT COMPASS scores for English placement. The latter clarification is necessary because the ACT COMPASS score is different from an ACT score; however, there is an equivalency comparison that institutions can use for placement purposes.

**Action:** It was moved by Mr. Blake Hall, seconded by Ms. Karen McGee, and carried to recommend approval of the modification to the SBOE's Admission Standards Policy as exhibited in Item 8 for first reading.

The meeting was adjourned at 3:20 p.m.



## **Subject**

**2a. Minutes of Council on Academic Affairs and Programs Meeting:** February 22, 2001.

## **Committee Action**

To agree by consensus to approve the minutes of the Council on Academic Affairs and Program meeting held on February 22, 2001 as written (Item 2a, attached)

## Item 2a.

### Minutes

### Council on Academic Affairs and Programs

February 22, 2001 • 9:30 am – 3:15 pm

PTE Conference Room • Boise, Idaho

<b>Present:</b>	Jerry Beck, CSI	Brian Pitcher, UI via telephone	Mike Falconer, SDPTE
	Daryl Jones, BSU	Dene Thomas, UI	Robin Dodson, OSBE
	Jonathan Lawson, ISU	Rita Rice Morris, LCSC	Patty Sanchez, OSBE
	Jerry Gee, NIC	Mary Ann Carlson, EITC	
<b>Absent:</b>	Dan Petersen, SDPTE	<b>Guests:</b>	Kelly Houston, ICNCS
	Bob West, SDOE		Alexis Ihli, ICNCS
			Trudy Anderson, Albertson Foundation

#### 1. Minutes of December 7, 2000 CAAP Meeting

It was agreed by consensus to approve the minutes of the December 7, 2000 meeting with the amendment to page 1, first paragraph, second sentence to read *"CAAP had been meeting the first Thursday of each month to coincide with the President's Council meetings."*

#### 2. Notices of Intent:

- Major reinstatement, College of Agriculture, Crop Science--*UI (Information)*
- Major reinstatement, College of Agriculture, Plant Protection--*UI (Information)*
- B.S.P.E, College of Education, Athletic Training--*UI (Action)*

It was agreed by consensus to recommend to the Board approval of the above notices of intent without the development of full proposals. These notices of intent will be considered at the Board's March 22-23, 2001 meeting.

#### 3. Idaho Commission for National and Community Service--*Kelly Houston & Alexis Ihli*

Robin introduced Kelly Houston and Alexis Ihli of the Idaho Commission for National and Community Service. Kelly Houston and Alexis Ihli provided some background information on service learning in higher education, which began as a result of a mini-summit held last spring at the University of Idaho. From that summit, a commitment from the Commission was made to further the movement in service learning in higher education by hosting a follow-up summit. The Commission will be sponsoring the SERVE IDAHO Annual Conference on March 5-7, 2001. With the assistance of the American Association of Higher Education, the Commission has secured Dr. Andrew Furco, a well-known scholar from the University of California, Berkley, as a trainer for the conference. It will cost \$2000 to cover his training fee, per diem, transportation, and lodging expenses. The Commission wishes to establish a partnership with Idaho's college and universities to sponsor Dr. Furco.

Sponsors will receive recognition at the conference on a newly created web page for this conference, on the Commission's website, and in the Commission's annual report. In addition, the Commission offers complimentary registration fees for those sponsors.

Boise State University, Lewis-Clark State College, University of Idaho, Idaho Board of Education, North Idaho College, College of Southern Idaho, and Idaho State University have agreed to contribute \$300 to the \$2000 cost of the sponsorship of Dr. Furco. Robin will work with the Board's Chief Fiscal Officer to transfer monies and to generate one check for the Commission.

#### **4. Idaho Technology Incentive Grant Program RFP Requirements--*Nancy Szofran***

Nancy Szofran shared with CAAP an issue that has arisen regarding an Idaho Technology Incentive Grant recipient and the difficulty of receiving release time for faculty. The Request for Proposals (RFP) outlines specifically what the funds may or may not be used for in relation to faculty salaries. In this case, the funds may indeed be used for release time. Because of this current issue, Nancy felt it was important to have a discussion of faculty release time for these technology grants.

It was proposed to add new language that deals with a stipend for release time. Nancy will incorporate this new language to the RFP for next year. However, this does not resolve the issue for those grants affected by the current RFP when funds were distributed to faculty instead of the institutions. Essentially, it was agreed to have the institution's Chief Academic Officer to compose a "hardship" letter to the State Board of Education explaining their situation, and stating the importance of the grant and their need to utilize funds as a stipend in order to complete the project.

#### **5. Idaho Technology Incentive Grant Program On-site Visits--*Nancy Szofran***

Nancy informed CAAP that at last years Idaho Technology Incentive Grant Program (ITIG) proposal review meeting, the review committee expressed interest in visiting the campuses of these funded projects to see the progress and outcome first hand. Nancy also suggested that the committee take this opportunity to review historical grants from past funding cycles. She informed CAAP that Harvey Lyter, Operations/Performance Officer, has also been asked and has agreed to attend the on-site evaluations. She assured CAAP that his purpose for attending is not to perform an audit. Rather, it is an opportunity for Mr. Lyter to visit each campus and become familiar with the program.

Nancy informed CAAP that she has contacted grant recipients and asked them to be available March 19<sup>th</sup> and 20<sup>th</sup>. However, the dates proposed are a problem as some institutions will be on spring break. Nancy will finalize a date and share with CAAP and the institutions.

#### **6. IDANET and IEC (Idaho Electronic Campus) Update--*Nancy Szofran***

Nancy Szofran distributed "A Vision for the Idaho Educational Network" map and reported that continuous progress is being made. Some large and some small agencies and all public institutions are all now represented on the IDANET group. She added that once data is collected, it will be put into a database. That database will then be used in the decision making process. IDANET will be looking at immediate and short-term needs. The RFP has already gone out for the immediate need, which is a Ds<sup>3</sup> from Boise to Lewiston and short-term to be Oc<sup>3</sup> from Coeur d'Alene to Boise as illustrated. Nancy informed CAAP that the map has been shown to the Presidents at their meeting last week. She is proposing to Pam Ahrens to formalize the group so that a meeting of sorts can occur while this gets designed.

Although they have encountered an obstacle or two, Nancy hopes to complete a draft plan by the June Board meeting.

Nancy provided three handouts to CAAP. The first illustrated the statistical information on IEC web usage, which continues to grow. The second is a summary activity report showed the average visitors per weekday and weekend. The third is a comparison list of countries that visit IEC website and the number of visits.

Nancy reported that in order to promote the site, a number of things have been done. IEC has been promoted at a number of events like the Governor's Boot Camp, Idaho Technology Showcase. Nancy provided CAAP with a bookmark that was created as an information item and provided at these various sites. Nancy informed CAAP that in December they asked Idaho Public Television (IPTV) to help with the promotion of IEC. IPTV, as a result, prepared a 60 second presentation, which they run 3-4 times a day as of December 16, 2000. Nancy provided this visual 60-second presentation to CAAP.

Nancy Szofran reported that the contract with Access Idaho is up for renewal in June. To enhance this site, Nancy proposed another series of video streams be created that would focus on student services. IPTV is willing to host 10 more video streams and Nancy proposed to the Presidents that each institution make a master list of frequently asked basic questions, *i.e. how do I chose a major*, that registrars, counselors, advisors, and faculty can answer giving them an opportunity to talk to potential students. Essentially, the Presidents liked the idea and suggested that Nancy work with CAAP to coordinate who she should work with.

Nancy reported that she has received completion rates from the college and universities with the exception of a couple. These completion rates are for courses offered in the fall. A lengthy discussion ensued regarding the definition of completion rates. Essentially, it was agreed to define completion rate as a grade between **A-F**, **NC** or **N** (meaning no credit), from the final roster. Those who have not completed receive a **W** or an **I**. On the last day of class, any student on that class list with those grades as defined *i.e., A-F* will be considered as having completed the course. That number would then be divided by the total number in each cases for all credit distance learning courses by course and not by student.

Nancy plans to request Fall data at the end of January next year and advanced notice will be given prior to that request. Spring data should be available in June.

## **7. WGU Request -- MA Learning and Technology**

Nancy provided a copy of a letter from Gregory Gough, Director of Enrollment at Western Governors University. Essentially they are making available to Idaho teachers, eight scholarships valued at \$3,250, which is half the cost of attending WGU. They want Idaho to endorse the WGU Masters program in Learning and Technology and guarantee that the school district will accept these credits. In addition, they request that all candidates be reassured by the State Board of Education or by their individual school districts that WGU's Candidacy for Accreditation status through IRAC InterRegional Accrediting Committee will qualify the student who graduates from WGU for lane change or salary increase within their individual career or development plans.

Nancy stated that she has a lot of serious concerns about what WGU's request. She has forwarded this on to Dr. Thorsen at BSU and Dr. Alexander at UI who teaches on-line for their masters programs and asked them to take a look at WGU's program and provide some comments. She shared many concerns but of main concern is the courses that one is allowed to teach is something that is provided by SkillSoft, which is really a continuing education program that is delivered by no form of technology but is actually a library of courses that one could look up and take on-line.

A consensus was reached not to support WGU's request for their proposed Master of Arts in Learning and Technology degree program. Robin will write a letter to Dr. Gough declining their request and outline some concerns and reasons.

## **8. Math Cut Off Scores**

Robin directed CAAP to the State Board of Education's policy on Admission Standards regarding the math cut off scores. He informed CAAP that the math chairs of the respective public postsecondary institutions have met and their recommendation is as exhibited on the draft policy.

Although CAAP had no concerns with the math chairs recommendation, it was recommended to clarify the use of ACT/ACT COMPASS scores for English placement by removing the ACT COMPASS from that definition. The ACT COMPASS score is different from an ACT score.

## **9. Dual Enrollment/Concurrent Enrollment**

Robin directed CAAP to Utah's *Administrative Code on Concurrent Enrollment of High School Students in College Courses*. Brian Pitcher shared with CAAP information regarding the competition between Utah State, Weber State and other 4-year public institutions and the dialog he current has with Utah State.

Brian Pitcher provided CAAP with background information on Utah's concurrent enrollment and its limitations. Essentially, the concern at that time was with Weber State University in that they had a very aggressive concurrent enrollment program and many local high schools in Utah were offering a broad range of concurrent enrollment through Weber State while Utah State was being questioned why they were not more proactive in providing concurrent enrollment. Brian added that much of this issue is being driven by Utah State University's Continuing Education program and with whom Mr. Melvin Buetler is corresponding.

Brian continued to say that Utah State had a very active statewide extension in continuing education and was written in large part because of concurrent enrollment activity at the College of Eastern Utah. The statewide programs have been undermined by very aggressive action by other institutions and for the last 10 years has had a fairly aggressive concurrent enrollment policy and a lot of pressure from school districts and legislators to accelerate education opportunities for high school students. Brian noted that school districts in Utah receive funding from the legislature to support concurrent enrollment so they have money to attract college and universities to bring programs to the forefront. Essentially, in talking with the provost at Utah State, he feels there needs to be discussion among Utah and Idaho to figure out what our stand should be.

Robin shared with CAAP that Mr. Melvin Buetler has asked Senator Fred Tillman and has asked him to draft legislation that would, in essence, remove the State Board of Education from registering any out of state institution that was accredited by a regional accreditor.

Robin added that fundamentally, as with any out of state institution, there are necessary steps and procedures to follow to get authorization to offer higher education in Idaho--merely a few steps that Utah would have to go through to get authorization/accreditation. Essentially, Utah needs to initiate a request if they want to offer that curriculum and the State Board Staff would be responsive to that request.

Robin proposed that CAAP take the direction to set a short and long term plan for accelerated learning, dual enrollment, and concurrent enrollment. The *Utah Administrative* code provides a good foundation to compare Utah and Idaho's Board rule to discuss with the Board, Fred Tillman and others involved. Robin also noted the importance of a communication plan to discuss with Idaho school districts the current policy and also outline requirements for adjunct faculty. Robin also felt that it was important to look at other state models and how they do their tracking, how they are funded, their success rates and retention.

It was suggested to put together a series of bullets that explains the fee structure, how courses are approved for dual enrollment, different options, the expectations of adjunct faculty, the standards, etc. so there is some understanding of policies and accreditation requirements.

A discussion ensued regarding ways to present information on dual enrollment to Board Members particularly Mr. Blake Hall, that would explain the requirements that Idaho must comply with. Additionally, it is important to have dialog with Mr. Hall to hear his concerns and also discuss with other superintendents and Mike Friend their input on this issue. It was suggested to put together a document that would essentially come from CAAP explaining the three ways dual enrollment occurs and how and why each has a different fee. Robin also noted that adjunct faculty qualifications needs to be explained in policy.

Robin offered to compile factual data around this issue for the Board including (policy, fee structure, adjunct faculty status). He also thought it important to move forward with a communication plan for the six regions (school districts) to explain and clarify the Board's policy and pricing issues. Robin also felt it would be beneficial to look at what other states are doing in terms of student success and what they have been doing to track students.

It was felt that a meeting should occur with CAAP, Utah State, IRSA Faculty Representative, Mike Petersen, Utah Provost, Stan Albrecht, and others to obtain more information. It was also suggested that Mike Petersen present to the Board, Utah's concurrent enrollment policy. CAAP seemed supportive of that suggestion.

## **10. IRSA Standing Committees**

Robin distributed the most recent copy of the IRSA Standing Committees information item and noted that due to time constraints, CAAP would not be discussing this issue but it will be added to a future CAAP meeting agenda.

## **11. Math and Science Preparations**

Robin directed CAAP to the Matrix of Initiatives handout and outlined the current initiatives that are in place or are coming to the forefront this session. He reminded CAAP of the charge given by IRSA to make recommendations to them on what the Board's goals should be. He informed CAAP that JFAC has recommended funding "Grow Your Own" at \$450,000 and it will come down as a scholarship and needs to

be added to the matrix of initiatives. Another piece of information missing from the matrix is the numbers for the Governor's various initiatives. Robin explained that Trudy Anderson would be assisting CAAP in putting this all together by the timeframe as set for the Board at their February meeting.

It was suggested that a master list be created of all the recommendations that come from these groups listed on the matrix and identify what the overlaps are and make those the OSBE goals. There was much discussion on how Trudy should proceed with this task. Essentially, Trudy offered to create a white paper to identify groups' recommendations, the matrix, overlaps, and the areas not being addressed that would provide a basis on which to go further with planning. She will work on this and communicate with CAAP via email for their feedback before presenting it to the Board in March.

## **12.NWAF Neon Project**

Robin directed CAAP to the draft copy of the Northwest Educational Outreach Network (NEON), which he noted is going to be on the Northwest Academic Forum agenda, in Anchorage, Alaska in April . It is a spin off of the last two years of work with NWAF to create a form of electronic campus among the region. No one other than the executive committee has had the opportunity to see this but Robin wanted CAAP to look at this document and provide feedback. He added that NWAF is in the process of requesting FIPSE money for this project as well as looking to Micron and Hewlett-Packard for additional support. This would give Idaho a rich opportunity for sharing regional resources.

## **13. Other**

A brief discussion ensued regarding the *Title II Report Card* and it was requested that the membership receive a formal update from Dr. Bob West on the progress of this initiative. Robin offered to contact Dr. West and inquire about the progress of this initiative as there is concern about the \$150,000 fine if institutions are not meeting guidelines/standards.

**The meeting was adjourned at 3:15pm**

**2b. Minutes of Council on Academic Affairs and Programs Meeting: March 8, 2001.**

**Committee Action**

To agree by consensus to approve the minutes of the Council on Academic Affairs and Programs meeting held on March 8, 2001 as written (Item 2b, attached)



**Minutes**  
**Special Meeting**  
**Council on Academic Affairs and Programs**

March 8, 2001 • 9 am – 11 am  
PTE Conference Room 324  
LBJ Building • Boise, Idaho

<b>Present:</b>	Jerry Beck, CSI via phone	Brian Pitcher, UI	Kevin Satterlee, OSBE
	Daryl Jones, BSU	Rita Rice Morris, LCSC	Lynn Humphrey, OSBE
	Jonathan Lawson, ISU	Miles LaRowe, EITC via phone	Keith Hasselquist, OSBE
	Jerry Gee, NIC via phone	Dan Petersen, SDPTE	Patty Sanchez, OSBE

**Absent:** Mike Falconer, SDPTE  
Bob West, SDOE

**Professional Program/Fee - Definition(s)**

Kevin Satterlee led the meeting in Robin Dodson's absence. He summarized the purpose of the meeting and informed CAAP that Robin wanted to have this discussion with the Council regarding "professional programs and fees" due to the University of Idaho's request for the Board to allow professional fees for some of their College of Business programs. It is anticipated that this discussion will occur at the Board's March meeting.

Based on the background material Robin provided, fundamentally, the issue at hand is what should constitute a professional department. Although the Board's policy states that it has to be a specialized degree-granting program, it does not further define it, instead leaving a list of approved specialized degree-granting programs. The Board office thinks it is good policy to get a handle on what is a professional department or program.

Kevin explained his role with this issue from the legal perspective. Essentially, he did not have a ready answer of whether the College of Business programs are identified as a profession and can attach a professional fee. Kevin added that eventually the question that will come up is given the constitutional and statutory prohibition, is it appropriate for the Board to designate these College of Business programs as professions and attach tuition.

Brian Pitcher inquired if it is the Board staff's intention to rewrite the governing policies and procedures statement rather than consider adding to the list of approved programs. In other words re-writing it and establish criteria. Kevin commented that the concern with just adding to the list is that it would be a list without criteria. In the event the Board is actually challenged about why any of the programs listed are considered professional departments, the only answer is going to be because the Board changed the policy as opposed to setting criteria. If the Board analyzed the request based on established criteria and on what the Board thinks is a professional department and then reached a

decision, that level of decision-making is the better policy than to just take requests one at a time and add them to the list. Overall, it is a better policy decision to try to have established criteria.

There was considerable discussion on the issue of professional fees and programs and what direction CAAP should take. Based on the discussions, Kevin outlined the following options for CAAP's consideration:

- 1) To include additional language to accommodate other programs, which are not listed.
- 2) To create a set of criteria to be considered by the Board, which would have to be met if a new program is approved. Those criteria are as follows: licensure, certification, accreditation, and uniqueness (in that the Board has authority to grant degree).
- 3) Do not change the policy and move fee request forward for the Board's consideration.

A consensus was reached to recommend to IRSA that the policy be altered with additional language to read as follows:

Professional fee is defined as the additional fee charged for educational costs for students enrolled in specialized baccalaureate or graduate level degree granting programs such as pharmacy, law, medicine, veterinary medicine, dentistry, physician assistant, physical therapy, architecture ~~and~~, landscape architecture, and occupational therapy.

**Subject**

**3. Item Withdrawn**

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## **Subject**

### **4. IRSA Standing Committees**

#### **Background and Discussion**

As a consequence of State Board of Education action to change its By-laws and committee structure and function, Board staff in concert with the Council on Academic Affairs and Program (CAAP) initiated a nine-month review of the standing committees that report to the Instruction Research and Student Affairs (IRSA) Committee. The sub-committees that report to IRSA are summarized in this review and include:

- Higher Education Research Council (HERC)
- Experimental Program to Stimulate Competitive Research (EPSCoR), which reports to HERC;
- Telecommunications Advisory Committee;
- Admission Standards Review Committee;
- Statewide Medical Education Advisory Committee; and
- Statewide Engineering Education Advisory Council (SEEAC)

Each of the above standing committees was approved by the State Board of Education and reports to the Board through IRSA. Each subcommittee was charged with a specific function as determined by the Board.

#### **Impact**

1. HERC/EPSCoR - the impact on these committees awaits the external peer-review of the Idaho EPSCoR program to be initiated in the new fiscal year.
2. Admission Standards Committee - Discontinue the old Admission Standards Committee with its functions being assigned to CAAP, which is reflective of what currently exists and is more organizationally appropriate.
3. Statewide Medical Education Advisory Committee - The Board's current Health Professions Workforce Studies Committee is engaged, following Board instructions, in the same functions and assignments as the Medical Advisory Committee of 1996. Hence, it seems prudent not to duplicate efforts. Furthermore, the Board's HPWSC is currently working on many other additional but related tasks as well.
4. SEEAC - Coordinating with the CAAP enhances the communication between the advisory committee and those responsible for the postsecondary programs in engineering and related fields.

#### **Fiscal Impact**

1. HERC/EPSCoR - Peer-review will cost approximately \$14,500 from the FY02 appropriation.
2. Admission Standards Committee - Discontinue will save on travel and meeting expenses.
3. Statewide Medical Advisory Committee - merging of the charges to HPWSC will save travel and meeting expenses.
4. SEEAC - no changes in fiscal impact.

## **4. IRSA Standing Committees (continued)**

### **Recommendation**

Both CAAP and Board staff recommend the following:

- Follow through with the Idaho EPSCoR External peer-review as soon as the funding is available.
- Officially discontinue the Admission Standards Committee and assign its function and charge to CAAP.
- Officially discontinue the 1996 Statewide Medical Advisory Committee and assign its function and charge to the Board's Health Profession Workplace Studies Committee.
- SEEAC coordinates its reports/recommendation through CAAP prior to its official communications to IRSA.

### **Committee Action**

It was moved by\_\_\_\_\_, seconded by\_\_\_\_\_ and carried to accept/reject/table the recommendation of CAAP regarding the four (4) standing committees to IRSA as noted above.

### **Board Action**

It was moved by\_\_\_\_\_and carried to accept/reject/table the IRSA's recommendation regarding its standing committees as presented by the committee.

### **Attachments**

Item 4 IRSA Standing Committees Background

### IRSA Standing Committees

#### a. Higher Education Research Council (HERC) and its subcommittee EPSCoR

- HERC - The Board's Higher Education Research Council Policy is implemented by the HERC.

The policy presents guidelines to Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho on the Legislature as a line item for research and overseen by the Higher Education Research Council to promote research activities that will have the greatest beneficial effect on the quality of education and the economy of the State.

The HERC is comprised of five (5) non-institutional members from the private research community and the presidents of the four-year public institutions.

- Idaho Experimental Program to Stimulate Competitive Research EPSCoR - The EPSCoR program reports directly to HERC. In addition, the Board approves the membership to the EPSCoR Committee.

The EPSCoR program is a family of competitive merit-based programs at several federal research and development (R&D) agencies. EPSCoR represents a federal-state partnership to enhance the science and engineering research, education and technology capabilities of states that traditionally have received smaller amounts of federal R&D funds. Through EPSCoR, participating states are building a high quality, academic research base that serves as the backbone of scientific and technological enterprise, firm knowledge and an economic base into the next century. The EPSCoR approach involves:

Objective merit review of all research improvement activities;

- Support for programs to raise accomplished researchers and well-established research programs to a level of national competitive excellence;
- Requires substantial matching support from state and institutional funding sources;
- Long-term efforts to improve the research and research-training environment in participating states.

**IRSA Standing Committees (continued)**

There are several issues that require discussion and clarification. They include:

- Role of the SBOE's Higher Education Research Policy and Governor's Strategic Plan for Science and Technology.
- Relationship of the Idaho EPSCoR Committee to the Governor's Science and Technology Advisor and the Science and Technology Advisory Council. This includes an examination of whether duplication exists, appropriate points of collaboration, and how the EPSCoR Committee fits within the Governor's Strategic Plan for Science and Technology.
- Given the Board's involvement with the Governor's office and the State Department of Commerce and the Science and Technology Strategic Plan, there may be a need to review both the HERC and EPSCoR programs.

Currently, the HERC has taken action to review the entire EPSCoR program. That review will employ an external peer reviewer at an estimated cost of \$14,500. Those funds will be from HERC's FY2002 budget appropriation. That review will be used to shape the Council's recommendation to IRSA later this summer or early fall 2001.

**b. Admission Standards Review Committee**

In the mid-1980s the State Board of Education was deeply concerned about the preparation of secondary students who were enrolling in their postsecondary institutions. As a consequence, the SBOE appointed a statewide committee with the charge to review the current admission standards at the postsecondary level and make recommendations to the Board. The committee was made up of institutional representatives, department of education staff, secondary school administrators, counselors, postsecondary admission officers, and OSBE staff.

The primary purpose of the Committee was to make recommendation on statewide standards for admission to Idaho's public postsecondary institutions. In addition, the Committee periodically evaluated the statewide standards, followed by changes to the Board's policy.

The Admission Standards Committee spent considerable time and effort in the mid-1980s through the late 1980s on the development of an admission standards Board policy. Between 1990-1994 the Committee met periodically to consider changes to the Board's admission standards; however, the committee has not met since 1998. With the Board action to create the Council on Academic Affairs and Programs (CAAP), much of the work on admissions (e.g., math and English cut-off scores, student preparedness, access, and remedial education, etc.) has been assigned to CAAP.

### **IRSA Standing Committees (continued)**

Hence the **options** for consideration are:

1. To revitalize the old Admission Standards Committee.
2. Officially discontinue the Admission Standards Committee assigning its function to CAAP, followed by the repeal in Board policy of the corresponding section.
3. Some combination of the above.
4. Assign admission standards to the Targeted Educational Groups Advisory Council (TEGAC).

**At the March 2001 CAAP meeting, members took action to recommend option number two (2).**

#### **c. Statewide Medical Education Advisory Committee**

During its June 1996 meeting, the State Board of Education approved the establishment of a statewide council to advise it on medical education issues. At the September 1996 meeting, the Board appointed a 13-member committee of physicians, chaired by Dr. Tom E. Dillon, and staffed by the Board's Chief Academic and Technology Officers.

The Board charged the committee with the following topics, but was not limited to:

- Family Practice Residencies – Boise and Pocatello;
- WWAMI and Idaho-Utah medical program;
- Boron Neutron Capture Therapy;
- Medical Education/Telemedicine to rural and underserved regions of Idaho; and
- Health Professions Payback Programs – especially for medical students.

The Committee's first and only meeting was held on November 1, 1996 and they forwarded the following recommendations to the full Board at its January 1997 meeting.

- a. Support the two family practice residencies – a first priority.
- b. Appoint a five-member subcommittee to inventory Idaho's telemedicine capacity, explore ways to enhance telemedicine to Idaho health care providers and enhance the collaboration between the University of Utah and the University of Washington to assist Idaho with its medical education needs.
- c. Clarify the relationship between access to medical school seats and the need for primary care providers in the state.

As a result of those recommendations, the Board included an enhanced funding request for the two Family Practice Residencies in fiscal years 1998 through 2002.



### IRSA Standing Committees (continued)

At the June 1999 Board meeting, the recommendations of the 1996-97 Statewide Medical Education Advisory Committee, an evaluation of medical and dental education in the last 10 years, and the impact of the Balanced Budget Act were all discussed. The Board then instructed AAPC to work with the Presidents' Council to examine these issues. The Board followed up on these issues again during its September and October 1999 meetings. The Board requested health professions program data to determine how well prepared the state is to meet its anticipated workforce needs. As a result, the Health Professions Workforce Studies (HPWS) Committee, facilitated by Idaho State University, was formed and assigned the following tasks:

- Provide an inventory of current health professions programs;
- Determine the health professions workforce needs of the state with the focus on nursing, mid-levels, medicine, dentistry and dental hygiene; and
- Report to the Board on workforce needs and trends.

The HPWS committee met in March, June and September of this year. To date the committee has reported and recommended the following to the Board:

- Increase the state supported seats to 20 through the WWAMI program and 10 at the University of Utah (UUSM);
- Increase the contract costs for the Idaho - UUSM agreement to be phased in during the second year;
- Increase the state supported seats for the Idaho Dental Education Program to 10;
- Develop partnerships with the Center for Health Policy (joint center BSU-ISU-UI), the medicine, pharmacy, nursing, and dentistry licensing boards, the Bureau of Occupational Licensing, Idaho Department of Health and Welfare, IHA, and the Center for Health Workforce at University of Washington; and
- Enhance funding for the two Family Practice Residencies in FY02.

In addition, the committee is continuing to work on the following topics:

- Role of the Idaho Rural Health Education Center, Department of Health and Welfare and ISU's Institute of Rural Health to primary care and workforce vacancies in rural Idaho;
- Health professions program inventories (CIP codes and Fall 2000 enrollments);
- Workforce Projections and occupational codes for 2008;
- Impact of the Balanced Budget Act of 1997 and amendments in 1998 on the health care disciplines; and
- Short- and long-term initiatives such as math, science, and reading preparation, access to programs in the next 10 to 20 years, development of a possible Center for Health Policy, data bases, student tracking and finance.

### **IRSA Standing Committees (continued)**

#### **Discussion Points:**

1. Relationship between the 1996-97 Statewide Medical Education Advisory Committee and the current Health Professions Workforce Studies Committee.
2. Issues of duplication of function, assignment, and review of tasks.

#### **Options:**

1. Keep the two committees;
2. Terminate one or both;
3. Merge the tasks into one committee; or
4. Reassign to the Targeted Educational Groups Advisory Council.

**At the March meeting of CAAP, it was agreed by consensus to recommend option number three (3) to IRSA for consideration and action.**

#### **d. Statewide Engineering Education Advisory Council**

During the mid-1990s significant engineering education issues faced the Board e.g., new college of engineering at BSU, legislative changes to ISU's engineering programs, and master level engineering programs.

As a consequence of increasingly difficult engineering education issues, the Board instructed the Presidents' Council to develop a statewide advisory council that would advise the Board on engineering education. At its May 1996 meeting, the Board approved the Presidents' Council recommendations for membership and mission of the Statewide Engineering Education Advisory Council (SEEAC) and appointed Harold W. Davis as Chair. In subsequent meetings, the Board approved a mission statement, staggered terms and voting rights for SEEAC. The Advisory Council held its first meeting on October 3, 1996 and customarily meets on the first Thursday of April and October each year. James Coleman, of JUB Engineering, Inc., currently chairs SEEAC.

Recommendations from SEEAC have included common numbers for lower division engineering courses, enhanced collaboration and improvements for statewide distance delivery of engineering courses, and improved math and science preparation for Idaho students.

#### **Discussion Points:**

1. Role of the SEEAC to the Governor's Science and Technology Advisory Council. (There is considerable overlap of membership.)
2. The relationship of SEEAC to the Statewide Plan for Science and Technology.
3. Relationship to the Targeted Educational Groups Advisory Council (TEGAC).

**IRSA Standing Committees (continued)**

**Options for Consideration:**

1. SEEAC remains as a standing committee of IRSA.
2. SEEAC becomes a subcommittee of the Governor's Science and Technology Advisory Council.
3. SEEAC transferred to the TEGAC organizational structure.
4. SEEAC coordinates its report(s) and recommendation(s) through CAAP prior to its communication(s) to IRSA
5. Other.

**At the March 2001 meeting of CAAP, action was taken to recommend to IRSA option number four for consideration.**

## **Subject**

### **5. Professional Program Definitions**

#### **Background and Discussion**

At the March 22, 2001 meeting of IRSA, considerable discussion occurred on the issues of what defines a "professional program" and the approval of a "professional fee" by the State Board of Education. As a consequence, IRSA instructed CAAP to develop two options for committee consideration. These options were to be placed on the April 2001 agenda of IRSA.

#### **Impact**

The significance of this issue has wide spread policy implications. Issues of tuition for a professional fee, increasing the matriculation fee, and/or the establishment of differential matriculation fees impacts a wide variety of shareholders raises constitutional and statutory questions. Other considerations include, what constitutes the "true" cost of education, equity, education program value, and how to meet the need for high quality programs and student access.

#### **Fiscal Impact**

The consequence of Board action on these issues will significantly impact the Board's institutions, students, financial aid, loan debt, and the Board's own policies and strategic plans.

#### **Recommendation**

The CAAP has held considerable discussion on this issue; however, neither the Council nor staff have at this time, forwarded a specific recommendation. However, it is critical that the Committee have an indepth dialog on the options presented in the attached Item 5.

#### **Committee Action**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to recommend/not recommend/table option \_\_\_\_\_ as presented in Item 5 to the full Board.

#### **Board Action**

It was moved by \_\_\_\_\_ and carried to approve/disapprove/table option \_\_\_\_\_ as exhibited in Item 5

#### **Attachments**

Item 5 Options for Professional Fees

### **Professional Fees --Definition of a Professional Program**

#### **Introduction**

At the March 22, 2001 meeting of IRSA, considerable discussion occurred on the issues of what defines a "professional program" and the approval of a "professional fee" by the State Board of Education. As a consequence, IRSA instructed CAAP to develop two or three options for committee consideration. These options were to be placed on the April 2001 agenda of IRSA. As CAAP initiated its charge, the options for discussion increased from two to five.

The issue(s) surrounding this item have much of their foundation in the fact that state appropriations are insufficient to sustain quality programs, access, and the attainment of educational goals as outlined in the SBOE's Strategic Plan, 2000-2005. The underlying issue for the Board is to develop a workable funding plan that will address the financing of high cost programs and still maintain equity and access.

In addition to the issues of defining a Professional Programs, are the issue(s) of legislative and governor consequences if the Board takes action to adopt one of the various options. With strong support from the Governor's office, the legislative appropriations for higher education were significantly increased for FY2002. The Board needs to be aware that an increase in student fees may result in unknown consequences by both the governor and legislature.

Furthermore, the Board's Business Affairs and Human Resources (BAHR) committee, in concert with the President's Council, will be employing an external review/study (Higher Education Funding Analysis) of the financing of public higher education in Idaho. It may be prudent to delay action on the issues of "professional fees" and professional program definition or increase in matriculation fee(s) until that review/study has been completed.

Additional points for consideration on any increase in fees is the impact upon student choice, access, retention, student graduation, loan debtness, and employment opportunities in Idaho.

#### **Options**

##### **1. Option One--Historical Definitions**

Currently the SBOE policy on Professional fee(s) is defined as "the additional fee charged for education costs for students enrolled in specialized degree granting programs such as pharmacy, law, medicine, veterinary medicine, dentistry, physicians assistant, physical therapy, and architecture and landscape architecture."

Although not specifically listed in the policy, occupational therapy was approved in 1996 to charge a "professional fee" to students in that master degree program.

## Professional Fees --Definition of a Professional Program (continued)

Historically, although not written into Board policy, the SBOE has approved a professional fee request when it met three major criteria. Those criteria are as follows:

- a. **Licensure** - The program graduates must sit for a professional licensing exam and successfully pass the exam as a pre-requisite to entry to practice.
- b. **Uniqueness** - The program is offered at only one public postsecondary institution in accordance with its role and mission assignments.
- c. **Degree Level** - The program leads to a degree that is at least the minimum required for entry to practice in the professional field.

In April 1997, the State Board of Education took action to approve a professional fee for undergraduate fields (i.e., B.S.P.A. and B.S. architecture, B.S. Landscape Architecture). Previous to that action, only graduate professional degree programs were considered (e.g., M.D., D.D.S., D.V.M., Pharm.D., M.P.T., or M.O.T.).

All of the currently Board approved professional programs for professional fee purposes have met the three criteria outlined above.

Thus, Option one, as defined historically and narrowly, would be the three criteria identified above, with the most limiting criteria being graduate professional degree programs only.

**Pros** Provides much needed fiscal support for programs that are professional, high cost, and currently inadequately funded and/or are new programs with little or no state funding to support the program. The statutory prohibition on charging tuition does not apply to professional colleges, schools or departments; hence, the students pay a percentage of their education costs. The narrow view of defining a professional program limits the proliferation of professional fees, thus keeping within the principals of Idaho's constitution and Idaho Code.

**Cons** The approval of a "professional fee" is really the same as charging tuition, thus charging tuition to students requires closer scrutiny than the normal "fee" review. Also, institutions can still use a reallocation of funds for program needs. Institutions have argued that the use of reallocation funds is misplaced due to rising costs of defined maintenance, utilities, and the recruitment and retention of faculty. Furthermore, the fairness of the current definition of a professional program for "fee" purposes among students is debatable. In addition, the high cost of a professional fee may limit student choice, increase loan debt, and hence, practice location.

## 2. Option Two

The criteria employed in defining what a professional program is would be more general in that determination by the SBOE. For example, in order for an institution to bring a program to the Board for consideration as a "professional program," the request must meet four (4) of the six (6) criteria listed. Those criteria are:

## Professional Fees --Definition of a Professional Program (continued)

- a. **Professional Licensing Required:** A state-licensing requirement for the practice of the profession is in place.
- b. **Certification Requirement:** Program graduates are eligible to become certified by a national standard in their field of study.
- c. **Accreditation Requirement:** The program meets the requirements for national/specialized/professional accrediting body(ies) by an accrediting agency recognized by the U.S. Department of Education. In addition, the need to meet an accreditation recommendation may require consideration for a professional fee request.
- d. **Uniqueness Requirement:** Is the program offered by more than one public postsecondary institution. Historically, professional programs have been designed such by the Board due to their uniqueness, as one major criteria.
- e. **Degree Level:** The program leads to a degree that is at least the minimum required for entry to the practice of the profession.
- f. **Quality, Cost, Value:** Adequate documentation demonstrates the cost and value of a quality program exceeds institutional resources available through current state funding.

**Pros** Allows for additional fiscal support for professional programs, faculty recruitment and retention, and the meeting of accreditation standards for specialized professional programs. Improves access to high quality programs and assists Idaho with its professional workforce needs. In general, limiting the criteria (as in option 1) hampers the public institution's abilities to implement the SBOE's Strategic Plan for quality, access, accreditation, and meeting the needs of business/industry.

**Cons** By defining a professional program it opens the definition to a wide variety of programs that would be now charging tuition to Idaho residents. Certification and Licensure are different terms with different meanings and statutory impacts. Further, by adding the "certification," criteria would be a major shift in Board policy. As with option one (1), student choice, indebtedness, and employment location are issues of concern

Finally, as with the "cons" noted in option (1) the issue of equity among students is debatable.

### 3. Option Three: Differential Matriculation Fee(s)

The public policy objective is to fairly assess the cost of operating Idaho's colleges and universities among students, while developing sufficient funding to ensure a high quality educational system, which is a chief component of its 2000-2005 Statewide Strategic Plan. The Board historically has achieved this objective by using its existing rate setting authority to assess mandatory fees (e.g., matriculation fee). Board policy defines this fee as follows:

## Professional Fees --Definition of a Professional Program (continued)

### R.1.a. (2) Matriculation Fee.

Matriculation fee is defined as the fee charged for maintenance and operation of physical plant, student services, and institutional support for full-time students enrolled in academic credit courses and vocational pre-employment, preparatory programs.

The revenues derived from this fee are restricted. The institutions are required to demonstrate their lawful use of these restricted revenues as an inherent part of their fiduciary responsibilities. An External/Board Internal Auditor can verify compliance with these restrictions during the annual financial audit, thus assuring the Board that the institution complies fully with the restrictions of the Idaho Constitution and Idaho Statutes.

**Differential matriculation fee(s)** which would reflect the cost of providing instruction to high cost, high valued programs, both at the undergraduate (upper division) and graduate level. Since cost and value are similar for many related undergraduate upper division disciplines a differential fee could be approved for such fields as engineering, business, teacher education, mathematics, science, and some social sciences offerings.

Furthermore, the Board could levy **graduate matriculation fees** based upon the "true" cost of providing graduate instruction and the value of that program. If the Board took this avenue for differential graduate matriculation fees, the Board would no longer need the "professional fee" category, nor would it have to expend efforts to define a "professional program."

**Pros** Allows for additional fiscal support for professional programs, faculty recruitment and retention, and the meeting of accreditation standards for specialized professional programs. Improves the number of high quality programs and assists Idaho with its professional workforce needs. Differential fees would reflect in the cost and value of the various programs. In general, limiting the criteria (as in option 1) hampers the public institution's abilities to implement the SBOE's Strategic Plan for quality, access, accreditation, and meeting the needs of business/industry.

**Cons** By adopting a "differential matriculation fee," student choice and loan debtiness would become major issues, especially for those programs that are not known for high salary employment. Also, the internal stress at the campus level may result in management struggles that impact the institution.

Finally, as with the "cons" noted in option (1) the issue of equity among students is debatable.



## Professional Fees --Definition of a Professional Program (continued)

### 4. Option Four: Matriculation Fee(s)

**Increase the matriculation fee** for all full-time undergraduate students. This fee would reflect some Board determination percentage of the "true" cost of educating an Idaho student.

The public policy objective is to fairly assess the cost of operating Idaho's colleges and universities among students, while developing sufficient funding to ensure a high quality educational system, which is a chief component of its 2000-2005 Statewide Strategic Plan. The Board can achieve this objective by using its existing rate setting authority to assess mandatory fees (e.g., matriculation fee). Board policy defines this fee as follows:

#### R.1.a. (2) Matriculation Fee.

Matriculation fee is defined as the fee charged for maintenance and operation of physical plant, student services, and institutional support for full-time students enrolled in academic credit courses and vocational pre-employment, preparatory programs.

The revenues derived from this fee are restricted. The institutions are required to demonstrate their lawful use of these restricted revenues as an inherent part of their fiduciary responsibilities. An External/Board Internal Auditor can verify compliance with these restrictions during the annual financial audit, thus assuring the Board that the institution complies fully with the restrictions of the Idaho Constitution and Idaho Statutes.

When matriculation fees are increased to support a greater percentage of the allowable costs, a higher portion of the state lump-sum appropriation can be allocated to instructional programs. Currently, matriculation fees support only about one-third of the allowable physical plant, student services and institutional support costs. While the use of matriculation fee revenues is restricted, the Board has unquestioned authority to assess matriculation fees in any matter that it deems fair and appropriate.

Related to this issue of matriculation fee(s) is the question of what percentage of educational costs should an Idaho resident pay for her or his education. Historically, the Board has held specific caps to any matriculation fee increases.

**Pros** The Board, by setting floor and ceiling matriculation fees for undergraduate and graduate programs, ensures a high quality educational system in light of inadequate state fiscal support. In addition, increased matriculation fees would reflect the cost(s) and value for all educational programs; hence, those costs would be shared by all students independent of their field(s) of study. This option would avoid the problems associated with defining what a "professional program" is and the assignment of which program is available for a differential fee.

**Professional Fees --Definition of a Professional Program (continued)**

**Cons** Student and parent acceptance to either a major increase in the matriculation fee, and/or differential matriculation fees (undergraduate or graduate programs) is unknown, but most likely not well accepted. As with the other options, student choice and employment location may become an issue. Further, if such action is taken by the Board, student loan debt would rise. Thus, one additional consideration would be how to minimize such loan debt increases, e.g., larger financial aid assistance and/or more scholarship dollars.

**5. Option Five: Constitutional Amendment to Allow for the Charging of Tuition.**

## **Subject**

### **6. Math and Science Goals**

#### **Background and Discussion**

Since January 2001, IRSA and CAAP have been expending efforts to develop a comprehensive plan for addressing math and science preparation for all students. IRSA at its February 2001 meeting adopted a timeline (e.g., matrix of statewide efforts March 2001, goals in April 2001, and strategies in June 2001). The CAAP has been focused upon those timelines. However, clarification is requested on whether IRSA and the Board desires math and science goals for all students K-16, or goals for students entering into those fields that require significant preparation in math and science (e.g., engineering, computer science, medical-health professions).

#### **Impact**

Those various initiatives and goals, it adopted by the Committee and SBOE will have a major impact upon curricular strategies, teaching and learning, teacher education programs, financing, postsecondary institutions, and accountability strategies.

#### **Fiscal Impact**

Unknown at this time.

#### **Committee Action**

To provide direction on which vision and goals the Committee desires to take. That is, (the Board K-16 enhancement of math and science) a more focused enhancement of math and science as a prerequisite for select professions (e.g., engineering, computer science, and health professions).

#### **Board Action**

None at this time.

#### **Attachments**

Item 6 Math and Science Initiatives

### Mathematics & Science Initiatives

#### Introduction

The issue of establishing goals and strategies for Idaho students in Mathematics and Science has its foundation in first defining what the SBOE's vision is for mathematics and science.

Currently, there appears to be two views on what the Board's vision statement for mathematics and science should be. The two (2) general vision statements articulated are:

1. All Idaho K-16 students will attain mathematics and science competency and be challenged to achieve to their greatest abilities in order to succeed in the 21<sup>st</sup> century.
2. The state's vibrant technology-based economy will depend upon student success in selecting careers in engineering, computer science, health professions, and related disciplines, which all depend upon a sound foundation in the principles and understanding of mathematics and science.

The former is an attempt to enhance all students performance in mathematics and science; hence, the goals and strategies would be framed in a manner to achieve that vision. The latter vision is much more selective; hence, the goals and strategies would be constructed in such a way as to capture that vision. Certainly, both vision statements would have overlapped in goals and strategies.

#### Discussion

The major point here is to clarify which vision statement does the Board wish to pursue, or is it the Board's desire to embrace both vision statements.

**Vision One: All Idaho K-16 students will attain mathematics and science competency and be challenged to achieve to the greatest abilities to succeed in the 21<sup>st</sup> century.**

**Goal I:** Improve student learning in science and mathematics.

**Goal II:** Teacher preparation and professional development in teaching science and mathematics.

**Goal III:** Increase significantly the number of mathematics and science teachers K-16.

**Goal IV:** Accountability Measures

**Mathematics & Science Initiatives (continued)**

**Vision Two:**      **The state's vibrant technology-based economy will depend upon student success in selecting careers in engineering, computer science, health professions, and related disciplines, which all depend upon a sound foundation in the principles and understanding of mathematics and science.**

**Goal I:**            Improve student learning in science and mathematics, especially K-12.

**Goal II:**           Enhance teacher education and professional development for all K-16 faculty.

**Goal III:**          Increase significantly the number of K-16 mathematics and science teachers.

**Goal IV:**          Design, develop and implement "magnet school" with a focus upon mathematics and science preparation.

**Goal V:**           Accountability Measures

## **Subject**

### **7. Achievement Standards Report—Lydia Guerra**

#### **Background and Discussion**

The Idaho Achievement Standards Commission is pleased to submit the Humanities Standards Version 1.0. It is intended that the Humanities Standards will be put into rule format and promulgated as proposed rules. Per the Administrative Rules process, further public input will be sought and a final version will be forwarded to the Board for approval as a pending rule before being forwarded to the Legislature for approval in 2002. The humanities standards will compliment and enhance achievement standards established for grades K-12 in language arts and communications, math, science, social studies, and health. In response to the directives of IDAPA 08.02.03, graduates of Idaho high schools must satisfactorily complete “a course in interdisciplinary humanities or the related study of one or more of the following: literature, history, philosophy, architecture, music, art, drama, dance, foreign languages, or comparative world religions.”

A Steering Humanities team was formed to set the format and research what is being taught in the state of Idaho by teachers. The focus of the Steering Committee was to focus on the students to develop a basic understanding of the humanities disciplines. In order to achieve success, a student of the humanities must gain content knowledge, practice critical thinking skills, and experience personal expression.

These varied courses of study hold one concept in common: they all attempt to explain in distinctive ways what it means to be human. In addition, students literate in the humanities:

- Become fully empowered to explore human work and individual destiny.
- Gain tools that aid them in analyzing the claims of others and making reasoned judgments.
- Possess the potential to face their futures with essential strengths.

More importantly, students who communicate in another language, create a musical sound, provide a dramatic experience, value of work of art, or develop a new idea can more profoundly enjoy life.

The following document offers a framework for student achievement in the humanities. Four committees of content specialists, business and minority representatives, and educational professionals helped develop the Humanities Standards. Over 60 people represented all regions of Idaho; they volunteered their time and expertise. Various courses within the humanities are organized into four groups:

- Interdisciplinary Humanities
- Visual and Performing Arts
- World History
- Foreign Language

The Idaho Humanities Standards outline essential information and skills and are not intended to be read as a curriculum guide. The state standards set the goals for what a student in Idaho should know and be able to do in the humanities disciplines.

## **7. Achievement Standards Report (Continued)**

### **History Timeline**

#### **Humanities grades 9-12**

##### **Humanities Steering Committee Meetings (6 representatives)**

April 17, 2000

May 22, 2000

June 2, 2000

July 12, 2000

##### **Statewide Committee Meetings (40 representatives)**

###### **July 27-28, 2000 (Statewide Committees)**

Draft I created

###### **August 15, 2000 (Statewide Public Hearing via teleconference)**

Draft I

###### **August 16, 2000**

Draft I submitted for SBOE Review

###### **September 14-15, 2000 (Statewide Committees)**

Draft II created

###### **October 23-24, 2000 (Statewide Committees)**

Samples of Applications developed by Idaho Teachers

###### **October 31, 2000 (3,000 copies and on Website)**

Draft II Public dissemination (libraries, 114 School districts, organizations, legislators)

###### **November 10, 2000 (Public Hearing on Draft II)**

Via teleconference Statewide

###### **December 4, 2000**

Review public and SBOE comments and make appropriate changes

###### **February 28, 2001 (Public Hearing on Draft II)**

Via teleconference Statewide

###### **March 19, 2001 –(Statewide Committee meeting)**

Review of Public Comments on Draft III

###### **April 19, 2001 – SBOE Meeting in Idaho Falls**

Humanities Version 1.0 for grades 9-12 - submit for Board approval

### **Impact**

In response to the directive of IDAPA 08.02.03, graduates of Idaho high schools must satisfactorily complete “a course in interdisciplinary humanities or the related study of one or more of the following: literature, history, philosophy, architecture, music, art, drama, dance, foreign languages, or comparative world religions.”

Humanities Standards Version 1.0 will compliment and enhance achievement standards established for students in grades K-12 in language arts and communication, math, science, social studies and health.

## **7. Achievement Standards Report (Continued)**

### **Fiscal Impact**

The fiscal impact is the printing of the Humanities Version 1.0, grades 9-12 in Administrative Rule. Approximate printing cost \$714 for approximately 14 pages. Any other changes will cost \$51 per page for revisions.

### **Committee Action**

To recommend to the full Board approval of Version 1.0 Humanities Standards as proposed rules.

### **Board Action**

To approve Version 1.0 Humanities Standards as proposed rules.

### **Attachments**

Please see Version 1.0 Humanities Standards.



**First Reading: Humanities Standards Approval for Proposed Rule**

Please contact Patty Sanchez at (208) 334-2270 or email [psanchez@osbe.state.id.us](mailto:psanchez@osbe.state.id.us) to obtain a hard copy of this item.

## **Subject**

### **8. Assessment Standards Report--Karen McGee**

## **Background and Discussion**

Report to be given by Ms. McGee during Committee reports.

## **Impact**

## **Fiscal Impact**

## **Recommendation**

## **Board Action**

## **Attachments**

## **Subject**

### **9. Nursing Education Issues**

#### **Background and Discussion**

At the March 2001 meeting of the Board, Ms. Sandra Bruce, CEO, St. Alphonsus Regional Medical Center, and Mr. Edward Dalberg, CEO, St. Luke's Regional Medical Center, addressed the Board regarding the critical shortage of nurses in general, but more specifically the Registered Nurses (RN) in Idaho. They focused their presentation on the workforce needs of the State (2000-2001), applications vs. admissions, graduation rates for RN's, and related issues.

Their remarks mirror those statements issued by the Board's own Health Professions Workforce Study Committee.

As a consequence of that presentation, General Darrell Manning, Board Member, requested that this topic be placed upon the IRSA agenda. Further, he requested that each public postsecondary institution with a nursing program(s) be prepared to address the issues raised by the respective CEO's of St. Alphonsus and St. Lukes.

#### **Impact**

Currently, the Board's Committee on Health Professions Workforce Studies is expending efforts on this matter. Also, Idaho's Commission on Nursing and Nursing Education (ICNNE), working in concert with the Board's Committee, are addressing the issues raised at the March 2001 SBOE meeting.

#### **Fiscal Impact**

Unknown at this time.

#### **Recommendation**

Staff recommends that the Committee discuss these and related issues, hear what the public postsecondary institutions have to report, and assign the Health Profession Workforce Committee a time certain for a nursing education report with options and recommendations.

#### **Committee Action**

None at this time.

#### **Board Action**

None at this time.

#### **Attachments**

None

## **Subject**

### **10. Social Worker Issues**

#### **Background and Discussion**

Recently it was learned that for the past several years the Idaho Department of Health and Welfare has been contracting with Eastern Washington University (EWU) for social worker services. Currently, the contract is \$929,171 per year. Further, the annual renewal contract states that EWU will provide services that address child welfare training activities, research and program evaluation, and an MSW stipend (Title IV E Program).

Karl B. Kurtz, Director, Department of Health and Welfare has presented this RFP to Idaho's universities for their possible partnership; however, to date, there has not been much discussion on this contract. Ms. Karen McGee and General Darrell Manning have requested that this item be placed on the IRSA agenda for discussion.

#### **Impact**

Idaho's universities should have the opportunity to review the current RFP. BSU has the only MSW program in Idaho, and thus should be interested in reviewing the MSW Title IV E program.

#### **Fiscal Impact**

\$929,171 or a percentage of this amount.

#### **Recommendation**

Staff recommends that a copy of the current contract be made available to the three public universities for their review and engagement. It is our understanding that EWU is willing to subcontract parts of the contract where possible.

#### **Committee Action**

None at this time.

#### **Board Action**

None at this time.

#### **Attachments**

None

## **Subject**

### **11. Program Changes approved by Executive Director**

#### **Background and Discussion**

In accordance with Board policy, postsecondary program components (e.g., majors, minors, emphasis, and options), changes in title or units (e.g., department, schools, colleges, etc.) and routine changes (e.g., addition, discontinuance, semester offerings, catalog changes, etc.) may be approved by the Executive Director of the Board; however, these changes require Board Approval if the fiscal impact is greater than \$150,000 per year. In addition, those actions taken by the Executive Director are reported quarterly to the Board.

#### **Impact**

None

#### **Fiscal Impact**

None

#### **Committee Action**

None

#### **Board Action**

None

#### **Attachments**

Item 11 Program Changes Approved by Executive Director First Quarter

## Academic Program Changes

Approved by Executive Director  
November 1, 2000 – March 30, 2001

**Item 11**

Date	Program Change	Institution
11/21/00	Add minor in Outdoor Education in the Dept. of Sports Science, Physical Education, and Dance.	ISU
1/2/01	Establish an Environmental Biology Emphasis leading to the B.S. in Biology	BSU
1/25/01	Create the Center for International Training and Outreach (CITO)	UI
1/25/01	Establish Research, Applied, and Education emphases with the existing Master of Arts degree in History	BSU
1/29/01	<ul style="list-style-type: none"> <li>• To discontinue B.A. Family &amp; Child Development option</li> <li>• To discontinue B.S. Technical Literature option</li> <li>• To discontinue Bachelor of Technology Chemistry option</li> </ul>	UI
2/26/01	Establish an Examination option leading to the Master of Arts degree in Biology	BSU

## Professional - Technical Program Changes

Approved by Executive Director  
November 1, 2000 – March 30, 2001

Date	Program Change	Institution
12/25/00	Added a 9-month Technical Certificate to the Drafting Technology Option	NIC
12/25/00	Added 18-month AAS Degree to the Drafting Design & Technology-Civil; Drafting Design & Technology - Architectural; Drafting Design & Technology-Mechanical Options	NIC
12/29/00	Added 18-month AAS Degree to Internetworking Support Technician option of the Computer Information Technology program	NIC
12/29/00	Inactivate the Central Sterile Technician option of the Medical Assistant Program	EITC
12/29/00	Added Web Authoring option to the Graphic Arts/Printing Technology Program	LCSC
12/29/00	Deleted Microsoft Computer Networking Plus Internet Technologies option of the Computer Networking Technologies Program	EITC
12/29/00	Inactivate the Computer Integrated Manufacturing (CIM) Technician Program	EITC
12/29/00	Delete 9-month Technical Certificate from the Surgical Technology Program	EITC
2/23/01	Added four new Short-Term courses to be offered through the Short-Term Training Program area	SDPTE

## **Subject**

### **12. Program Approval**

#### **Background and Discussion**

In accordance with Board policy, all new academic and professional-technical programs must have full Board approval prior to implementation or inclusion in the SBOE's fiscal year budget request. The CAAP committee, in concert with its guidelines on program review (i.e., Quality Centrality/i.e., role and mission), duplication, demand/need, and resources, has taken efforts to act on the IRSA charge to evaluate new program requests. CAAP has generally recommended that for undergraduate and professional-technical new program requests the Notice of Intent suffices, rather than having the institution develop a full proposal.

#### **Impact**

The institution requesting these new programs, if Board approved, will implement these requests and will be subject to future monitoring for program compliance.

#### **Fiscal Impact**

See Attachments

#### **Recommendation**

Staff recommends approval by IRSA

#### **Committee Action**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to recommend/not recommend/table to the full Board those new program requests as exhibited in Item 12.

#### **Board Action**

It was moved by \_\_\_\_\_ and carried to approve/disapprove/table the new program requests as shown in Item 12.

#### **Attachments**

Item 12 New Postsecondary Notice of Intent Requests - Summaries

### **New Postsecondary Notice of Intent Requests - Summaries**

All of these Notices of Intent are in the applied technology fields. The Division of Professional-Technical Education has reviewed these NOIs and have recommended approval to CAAP.

**a. Associate of Applied Science, Division of Office and Business Technology--Web Development by LCSC**

This new degree program is designed to prepare graduates with the skills necessary for success in organizational web development and management. Further, graduates will also be able to work in teams as the E-business community requires. The latter is rapidly expanding and this request will address some of those needs of conducting business on the Internet. Fiscal resources are already in place; hence, no new dollars are necessary.

**b. Associate of Applied Science, Advanced Technical Certificate, Agri-Business Technology--Landscape Management Technician by EITC**

Graduates of this AAS/Advanced Certificate Program (both 20 months) will be prepared for employment with nurseries, garden centers, landscape contractors, lawn service companies, golf courses, parks and other horticultural business. Regional employers have indicated a definite need for trained employees in this field. New appointed dollars will be needed to support this request (FY02, \$35,000; FY03, \$57,000; and FY04, \$59,000).

**c. Associate of Applied Science, Technical Certificate, Department of Professional-Technical Education at CSI**

CSI has forwarded a new Education Assistant Program with three (3) options:

- AAS, Education Technician (24 months) and Technical Certificate (12-18 months)
- AAS, Associate Teacher (24 months) and a Technical Certificate (12-18 months)
- AAS, Special Needs Para Educator (24 months) and a Technical Certificate (12-18 months)

All three options will prepare graduates to be full-time educational aides in the K-12 system. Further, these programs will also assist graduates to pursue a bachelor degree in education if desired. In addition, these three requests not only will meet a regional need, but will also address the national trend to have educational aids be prepared with either associate or certificate training. Fiscal support will be derived from reallocation efforts.

**d. Associate of Applied Science, Technical Certificate, Department of Agriculture at CSI**

Graduates of either the AAS degree (18 months) or Technical Certificate (9 months) in Horticulture will be prepared for employment in greenhouses, nurseries, garden centers, golf course, etc. Regional data indicates a rapidly growing need for graduates in the field of horticulture. Funding to support these three options will be from reallocation sources.



## **Subject**

### **13. First Reading Accelerated Learning Policy**

#### **Background and Discussion**

The past several months have witnessed much discussion regarding the Board's Accelerated Learning Policy, with special focus upon dual/concurrent enrollment. During the March IRSA meeting, this issue was framed around the Idaho Code, current Board policy, accreditation standards, and executive summaries on what the seven public institutions are currently doing. The CAAP has spent time and effort to modify the Board's Policy on Accelerated Learning and adopt both short- and - long term strategic plans.

The CAAP strongly endorses choice for students, including the opportunity for qualified secondary students to enroll in college level courses.

#### **Impact**

Dual/concurrent enrollment programs are one component of a student's choice in the opportunity to earn college credits while in a secondary environment. Caution is advisable, with a focus on preserving and enhancing Advance Placement (AP) offerings, "best practice" models, funding options, and communication/marketing strategies. Students and parents also have a right to know that certain risks are involved with dual/concurrent enrollment programs (e.g., decreased GPA, transferability, and acceptance of credits by regional or national colleges and universities).

#### **Fiscal Impact**

Current Board policy on fees limits an institutions charging of fees associated with these accelerated learning programs, except for AP, tech-prep and CLEP.

#### **Recommendation**

Staff and CAAP recommend acceptance of these policy modifications for first reading. Between the first reading and final reading, other efforts will be concluded for consideration (e.g., communication strategies, national survey data, "best practice" models, distant education options, and AP strategies.

#### **Committee Action**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried to (approve/disapprove/table) for first reading the changes to the Board's Accelerated Learning Policy as exhibited in Item 13.

#### **Board Action**

It was moved by \_\_\_\_\_ and carried to (approve/disapprove/table) the modifications to the Board's Accelerated Learning Policy as exhibited in Item 13 for first reading.

#### **Attachments**

Item 13. Modifications to the Board's Accelerated Learning Policy

**GOVERNING POLICIES AND PROCEDURES****SECTION: III. POSTSECONDARY AFFAIRS**

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IRSA - First Reading April 19, 2001

Published February 2000

**Y. Accelerated Learning Program****1. Coverage.**

Boise State University, Idaho State University, Lewis-Clark State College, and the University of Idaho are covered by these policies. North Idaho College, the College of Southern Idaho and Eastern Idaho Technical College are also covered since post-secondary programs intended for transfer come under the purview of the Board.

**2. Purpose.**

The State Board of Education has made a commitment to improve the educational opportunities to Idaho citizens by creating a seamless system. To this end, the Board has instructed its post-secondary institutions to provide educational programs and training to their respective service regions, support and enhance regional and statewide economic development, and to collaborate with the public elementary and secondary schools. In addition to the Board's desire to prepare secondary graduates for post-secondary programs, the Board also is interested in accelerated learning programs for qualified secondary students. These programs have the potential for reducing the overall costs of secondary and post-secondary programs to the students and institutions.

The primary intent of the Board is to develop a policy for accelerated learning programs for secondary students which would:

- a. Enhance their post-secondary goals;
- b. Reduce duplication and provide for an easy transition between secondary and post-secondary education; and
- c. Reduce the overall cost of educational services and training.

**3. Definitions**

There are many different accelerated learning programs which students may access to receive post-secondary credit for education completed while enrolled in the secondary system. Examples of academic credit bearing programs include dual enrollment/concurrent enrollment courses, Advanced Placement (AP), and College Level Examination Program (CLEP). Tech Prep is considered to be an accelerated learning program and may result in college credit; however, by definition (see below) it is not a concurred enrolled program per se., -etc. For the purpose of this policy the State Board of Education considers three different types of accelerated learning programs depending upon the delivery site and faculty. They are:

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: III. POSTSECONDARY AFFAIRS**

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- a. A regular college course delivered by the post-secondary institution on its campus. A high school student who selects this option would be admitted as a non-matriculating college student.

Policy

The student is charged the standard part-time credit hour fee or tuition, including activity fees.

- b. A course is delivered in the high school and the costs are borne by the post-secondary institution. The course could be delivered a number of different ways such as:
- through technology into the high school;
  - a course taught in the high school by post-secondary institution faculty; or
  - a post-secondary institution employs high school faculty to teach the course(s).

A student who selects this option would be admitted by the post-secondary institution as a non-matriculating student.

Policy

The costs are borne by the post-secondary institution which charges the part-time credit hour fee or tuition, minus the on-campus activity fees.

- c. A course is delivered at the high school by secondary faculty, and the costs are borne either by the high school or the student. Examples include AP and, CLEP or ~~Tech Prep~~ courses. Students may request an institutional evaluation of such course for acceptance as college credit.

Policy

The post-secondary institutions may charge an administrative fee for transcribing the credit or assuring equivalency.

- d. Four (4) semester college credits are equivalent to at least one (1) full year (2 semesters) of high school credit in that subject.
- e. A Tech Prep program is defined by the federal Carl D. Perkins Vocational and Technical Education Act of 1998. Idaho's Tech Prep programs are implemented by an articulation agreement between secondary schools and participating postsecondary institutions. Currently, Idaho's Tech Prep programs combines a minimum of two years of secondary education effort with a minimum of two years of postsecondary education in a non-duplicative, sequential course of study. The latter educational effort leads to an associate of applied science or a certificate in a specific career field.

**GOVERNING POLICIES AND PROCEDURES****SECTION: III. POSTSECONDARY AFFAIRS**

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For the purposes of this policy, Tech Prep programs are not considered to be concurrent enrolled programs, nor are they AP or CLEP offerings. However, they are considered to be an accelerated learning program and may result in college credit and hence are included in this policy.

**4. Eligibility and Admission Requirements**

In compliance with Idaho Code 33-5104, prior to enrolling, the student and the student's parent/guardian must sign a counseling form, provided by the school district, that outlines the provisions of the section of this Code.

Further, any high school student may make application to one of the public postsecondary institutions provided the following requirements are met:

- a. In compliance with Idaho Code 33-202, the student has reached the minimum age of 16 years or has successfully completed at least one-half of the high school graduation requirements as certified by the high school.
- b. Submission of the counseling form which includes written permission from the student's parent/guardian, and principal or counselor.
- c. Submission of the appropriate institutional application material for admission.
- d. If required by institutional policy, a student must obtain approval of the instructor to enroll in a course.
- e. Written notification of acceptance to the institution will be provided to the student after he or she submits the appropriate application.
- f. Those high school students meeting the above requirements will be permitted to enroll on a part-time basis for a maximum of 7 credits or two courses per semester or on a full-time basis taking at least 8 credits per semester.
- g. Students seeking admission who do not meet the above requirements may petition the institution's admission committee for consideration.

**5. Adjunct Faculty Qualifications**

The following criteria are to be used in determining the adjunct faculty qualifications for those dual enrollment/concurrent enrollment courses that are college credit bearing. These qualifications do not apply to AP, CLEP, or Tech Prep course offerings.

- a. All adjunct faculty are expected to have earned a Masters Degree in the subject area.
- b. The appropriate college/university department must approve adjunct faculty. Selection criteria for adjunct faculty teaching dual enrollment courses shall be the same criteria applied to other adjunct faculty appointments within the department.

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: III. POSTSECONDARY AFFAIRS**

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c. Faculty who hold college/university adjunct faculty status will be included as fully as possible in the academic life of the appropriate department.

d. Faculty appointed as college/university adjunct faculty will agree to the following:

- Use of course syllabus provided by the department;
- Use of the same department textbooks;
- Participate in the outcome assessment process of the department; and
- A contractual relationship or memorandum of understanding between the college/university and the secondary faculty must be in effect.
- Will agree to that the college grade will be the same as the postsecondary high school grade.

**6. Other Considerations**

Institutions offering accerlerated learning programs must inform parent(s) and student(s) the following:

- Credits earned may not be transferable to other colleges and universities in the region or nationally.
- The college credits earned may impact the secondary GPA.
- Scholarship opportunities may be impacted by the earning of concurrent enrolled credits.

## **Subject**

### **14. First Reading--Intellectual Property Policy**

#### **Background**

The Board has had an Intellectual Property Rules for a number of years. This legislative session, the Board successfully requested that the administrative rules on Intellectual Property be repealed, thus allowing the Board to govern personnel matters by policy rather than rule. The repeal of this rule is effective on July 1, 2001.

The current rule briefly discusses patents, copyrights, and intellectual property transfer, and contains a Conflict of Interest Rule.

#### **Discussion**

In drafting the initial revisions, each agency and institution formed a committee to review the intellectual property policies. Then, each agency and institution sent a representative to be a member of the Statewide Intellectual Property Review Committee. There have been four meetings of the Statewide Committee thus far: the first on January 10, the second on February 9, 2001, the third meeting on March 9, 2001, and the fourth meeting on April 10, 2001.

#### **Impact**

A policy that has a more uniform way of dealing with intellectual property issues, and one that is more proactive than the previous rule. The policy will also contain a standard distribution of income from commercialization, licensing, and Board-owned copyrightable works.

#### **Fiscal Impact**

None at this time.

#### **Committee Action**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to recommend approval/disapproval/table the modification to the SBOE's Intellectual Property Policy as exhibited in Item \_\_\_\_ for first reading.

#### **Board Action**

It was moved by \_\_\_\_\_ and carried to approve/disapprove/table the modifications to the SBOE's Intellectual Property Policy as exhibited in Item \_\_\_\_ for first reading.

#### **Attachment**

Item 14a. Comparisons of Existing Rules to New Proposed Policy  
Item 14b. Intellectual Property Policy

## Comparisons of Existing Rules to New Proposed Policy

Intellectual Property Policy	
Existing Policy	New Policy
<p><b>Objectives and purposes</b></p> <p>The State Board recognizes the dynamic relationship between research and education in postsecondary institutions. Inventions, discoveries, and published works of commercial importance may be the natural outgrowth of research. Intellectual properties should be promoted for the public good, because there are obligations to contribute to the economic growth of Idaho and the nation.</p>	<p><b>Purpose</b></p> <p>The Board has a responsibility for and an interest in the advancement of scientific knowledge and creative work that will enhance its educational, research, and service missions and benefit the public it serves. The five-fold purpose of this policy is as follows:</p> <ul style="list-style-type: none"> <li>• to encourage the development of Intellectual Property for the best interest of the public;</li> <li>• to provide for timely disclosure and protection of the Intellectual Property;</li> <li>• to allow employees and students maximum scientific and professional freedom, consistent with any legal obligations; and</li> <li>• to allow each institution to manage its own intellectual property on behalf of the Board.</li> </ul>
<p><b>Applicability</b></p> <p>This policy seeks to balance the institutional obligations to preserve open inquiry and realize the commercial value of intellectual property produced by employees of the State's postsecondary educational institutions.</p>	<p><b>Applicability</b></p> <p>The policy is applicable to:</p> <ul style="list-style-type: none"> <li>• all persons employed by the Board or a Board-governed institution, agency, school or office in any capacity whatsoever, and</li> <li>• all persons who use institutional or agency facilities while under the supervision of institutional or agency personnel, including but not limited to visiting faculty, adjunct faculty, undergraduate students, graduate students, post- and pre-doctoral fellows, unless special terms for management of the work of such persons are negotiated by the Board or the institution or agency.</li> </ul>

<p><b>Ownership of Inventions:</b></p> <p>Claim of ownership interest. The State Board claims ownership of any invention or patentable discovery developed under the following circumstances:</p> <ul style="list-style-type: none"> <li>• Arising from any work performed by an employee of the State Board during the course of his duties to the agency or institution</li> <li>• Arising from any work performed by an employee of the State Board using state resources not similarly made available to members of the general public</li> <li>• Arising from any work performed by an employee of the State Board under contract in a program or project sponsored by a State Board agency or institution or a closely associated research foundation.</li> </ul> <p>Disclaimer of ownership interest by the State Board in any invention or patentable discovery developed by employees or contractors under the following circumstances:</p> <ul style="list-style-type: none"> <li>• When the work is performed outside their assigned duties</li> <li>• When the employee/contractor is without benefit of State facilities except those available to members of the general public, such as libraries.</li> </ul>	<p><b>Definitions</b></p> <p>This sections defines a number of important terms, including Copyrightable Works, Scholarly or Artistic Works, Significant Resources, Mediated Courseware, Rights, Board-Retained Rights, Tangible Research Property, Title, Trademark, Trade Secret, and Work for Hire.</p> <p><b>Ownership of Inventions and Copyrightable Works:</b></p> <p>The Board owns all inventions as set forth in this policy. The only exceptions are:</p> <ul style="list-style-type: none"> <li>• Those that do not use Significant Resources of the institution or agency;</li> <li>• Those resulting from permissible consulting activities without the use of institutional facilities or resources;</li> <li>• Those authorized in writing by the chief executive officer, and</li> <li>• Those funded by grants or contracts where the terms of the grant or contract prescribe the ownership of resulting Intellectual Property.</li> </ul>
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<p><b>Distribution of Income</b></p> <p><b>Distribution of Income from Inventions</b></p> <p>Agency and institutional policies setting out patent administration, including evaluating, financing, assignment, marketing, protection, and the division and use of royalties, must be submitted to the State Board for its review and approval.</p> <p><b>Distribution of Income from Copyrightable Works</b></p> <p>Except as noted otherwise, the State Board claims no ownership interest in works submitted for publication by State Board employees and contractors.</p>	<p><b>Distribution of Income from Commercialization and Licensing and from Copyrightable Works</b></p> <p><b>Distribution of Income from Inventions</b></p> <p>After deducting for all direct costs for licensing, maintaining, and providing for legal protection, the distribution of the remaining income will be an amount not less than fifty percent (50% ) to the institutional research office, institutional research foundation, or institution. Express prior approval by the Board will be required to alter the distribution formula.</p> <p><b>Distribution of Income from Copyrightable Works</b></p> <p>Same as for Inventions.</p>
	<p><b>Trademarks</b></p> <p>Generally, a Trademark identifies an athletic, educational, service, public relations, research, or training program of an institution or agency. The Board owns all right, title, and interest in such Trademarks.</p>
	<p><b>Trade Secrets</b></p> <p>Trade secret protection may be available under state law for technical or business information, including formulae, processes and devices used or usable to achieve a competitive advantage in a trade or business and not publicly available. Trade secrets may be retained for a brief period of time for specific purposes, such as to allow for the preservation of rights to file a patent application.</p>
	<p><b>Provisions for Release of Rights to Inventors and Authors</b></p> <p>Institutions may release all rights, including the title, to the author or Inventor. The institution or agency shall retain, on behalf of the Board, a perpetual, royalty-free, world-wide, non-exclusive license to all rights granted or created by the patent or copyright for the Invention or Copyrightable Work, and any corresponding patents or copyrights, for research, education, and service purposes.</p>

	<p><b>Departing and Former Employees</b></p> <p>Persons who are leaving the employ of the Board or a Board-governed institution or agency shall disclose no later than the last day of employment the major projects that they are working on that are Works-for-Hire or use Significant Resources.</p>
	<p><b>Dispute Resolution</b></p> <p>Provides for dispute resolution concerning the application of this policy shall be submitted to and considered by the chief research officer or designee of the institution or agency. The decision may be appealed to the Board as provided in applicable Board policy.</p>
	<p><b>Relationship with Research Foundations</b></p> <p>Institutions can create non-profit research foundations affiliated with the institution or agency. Master agreements must be created that set forth the relationship between the institution or agency and the research foundation. The master agreement is subject to prior approval by the board.</p>
<b>Conflict of Interest</b>	<b>Taken out and put with Personnel Policies</b>

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**A. Intellectual Property**

**1. Purpose**

The Board has a responsibility for and an interest in the advancement of scientific knowledge and creative work that will enhance its educational, research, and service missions and benefit the public it serves. The purpose of this policy is as follows:

- a. to encourage the development of Intellectual Property for the best interest of the public, the creator of the Intellectual Property, the Board, the Board-governed institution or agency, and the research sponsor;
- b. to provide timely disclosure and protection of Intellectual Property whether by development, commercialization, or publication, or any combination thereof;
- c. to allow employees and students maximum scientific and professional freedom with respect to the method of disclosure and publication of their findings, consistent with any legal obligations;
- d. to provide procedures for the protection of Board Intellectual Property through patents, copyrights and trademarks, and for the licensing of Intellectual Property for commercial application and for the benefit of the public; and
- e. to allow each institution to manage its own intellectual property on behalf of the Board.

**2. Applicability**

- a. Except for specific exemptions as set forth in this policy, this policy is applicable to:
  - (1) all persons employed by the Board or a Board-governed institution, agency, school or office in any capacity whatsoever, and;
  - (2) all persons who use institutional or agency facilities while under the supervision of institutional or agency personnel, including but not limited to visiting faculty, adjunct faculty, undergraduate students, graduate students, post- and pre-doctoral fellows, unless special terms for management of the work of such persons are negotiated by the Board or the institution or agency.

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- b. The intellectual property rights of the Board cannot be subordinated to a third party. Employees shall not enter into agreements, express or implied, which compromise the intellectual property rights of the Board. No employee shall engage in any outside employment, such as consulting or summer employment agreements, without affirmative notice to the prospective employer that the intellectual property rights of the Board cannot be subordinated to a third party.

**3. Definitions**

- a. **Author:** The individual(s) who fixes in tangible medium copyrightable subject matter as defined in Title 17 USC §102, except in the case of a work made for hire. In that case, the employer or other party for whom the work was prepared is considered the author, Title 17 USC §201.
- b. **Copyrightable Work:** An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, textbooks, course materials, refereed literature, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. Such works also include those of students created in the course of their education, such as dissertations, papers and journal articles. A Copyrightable Work may be the product of a single author or a group of authors who have collaborated on a project. Such works are governed by Title 17 USC §101 et. seq.
  - (1) **Scholarly or Artistic Work:** Copyrightable Works are considered a scholarly or artistic work for the purposes of this policy. Textbooks, journal articles, popular nonfiction, novels, poems, musical compositions, or other works of artistic imagination are considered Scholarly or Artistic Works.
- c. **Designee:** In this policy the designee of the chief executive officer may be another employee of the institution or the institution's corporate agent for the purposes of technology transfer.
- d. **Intellectual Property:** Collectively, all creative or intellectual work products, including but not limited to Inventions, Copyrightable Works, Trademarks, Trade Secrets, and Tangible Research Property.

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- e. **Invention:** A process, method, discovery, device, plant, composition of matter, or other invention that reasonably appears to qualify for protection under United States patent law (utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single inventor or a group of inventors who have collaborated on a project.
- f. **Mediated Courseware:** Web pages, academic software applications and online course materials.
- g. **Rights:** The property interest possessed under law in a piece of intellectual property. Patents grant to the inventor(s), their heirs, or their assignee the right to exclude others from making, using, offering for sale, selling, or importing the claimed invention, Title 35 USC §154. Copyrights grant to the owner(s) the exclusive rights to reproduce, prepare derivative works of, distribute, perform publicly, or display publicly the copyrighted work, Title 17 USC §106. Plant Variety Protection grants to the breeder(s) or the successor in interest of the breeder the right to exclude others from selling, offering for sale, reproducing, importing, or exporting the plant variety, Title 7 USC §2483.
  - (1) **Board-Retained Rights:** The Board retains the rights listed above in 3.g. and in particular areas in this document, such as those found in 4.b., 4.c.3, 5.b., 10.a. and 10.b. In addition to those rights, when the Board retains rights, the Board also retains the following rights: the right, on a non-exclusive world-wide, royalty-free basis, to make reproductions of the work to use in teaching, scholarship, and research in the department, campus or within the institutional system; the right to control whether the institution's name or logo is displayed in association with the work; the right to require an appropriate acknowledgement of institutional support of the creation of the work; the right to borrow portions of the work for use in compilations or other composite works; the right to reproduce the work for uses directly related to advancing the mission or maintaining the culture of the college or university; the right to duplicate the work for teaching, scholarship, and research, and the right to make derivative works if the author or co-authors assign copyright ownership to a third party.
- h. **Significant Resources:** Significant Resources shall mean the integral and significant use of institutional effort, funds, space, hardware, connectivity, or facilities administered by the Board or a Board-governed institution or agency, where use was essential and substantial rather than incidental. The provision of resources similarly made available to members of the general public by the Board or Board-governed institutional or agency shall not be construed as constituting significant use of Board or Board-governed institutional or agency resources, except for those instances otherwise stated in this policy.

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- i. Tangible Research Property:** Tangible items produced in the course of research, now known or later developed, include such items as laboratory notebooks, biological materials, engineering drawings, integrated circuit chips, computer databases, computer files, computer applications, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Works and Trademarks. An item of Tangible Research Property may be the product of a single creator or a group of individuals who have collaborated on a project.
- j. Title:** All the elements constituting legal ownership. Inventors, authors, their heirs, or their assignees are the legal owners of the property rights granted in the U. S. Constitution Article I, §8, clause 8 and as codified in Title 35 USC for patents, Title 7 USC for plant variety protection, Title 17 USC for copyrights, Title 15 USC for trademarks, and the Uniform Trade Secret Act for trade secrets.
- k. Trademark (including Service Mark):** A distinctive word, design or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.
- l. Trade Secret:** Information including, but not limited to, technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable under the circumstances to maintain its secrecy.
- m. Work for Hire:** A Work for Hire is work specifically funded or created at the direction of the institution in the course of the creators' employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students. A work may be defined as a Work for Hire as a result of an agreement between an institution and an employee and may be included in a written job description or an employment agreement. For instance, work assigned to programmers is Institutional Work or "work for hire" as defined by law, as is software developed for Board or institutional or agency purposes by employees. Brochures, training programs, CD-ROMs, videos, and manuals which employees are directed to develop are other examples of Institutional Works, or work for hire.

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**4. Management of Inventions**

- a. Requirements of Inventors:** All persons covered by this policy are required to abide by their obligations and those of the Board and Board-governed institutions and agencies under research agreements with sponsors.
- b. Rights of the Board:** The Board owns all inventions as set forth in this policy.
- c. Exceptions:** The following three paragraphs present the only exceptions to Board ownership of Inventions:
  - (1) Consulting Exception:** Inventions resulting from permissible consulting activities without the use of institutional facilities or resources. Each institution and agency shall include in its intellectual property policy a definition of permissible consulting activity and a process for its approval by the chief executive officer or designee.
  - (2) CEO Exception:** Inventions authorized in writing by the chief executive officer, or designee, when the mission of the institution or agency is better served by such action, provided that the overriding obligations to other parties are met and such exceptions are consistent with other institutional and Board policies.
  - (3) Sponsored Research Exception:** Ownership of an Invention developed in the course of or resulting from research supported by a grant or contract shall be determined in accordance with the terms of the applicable grant or contract, or in the absence of such terms, shall be owned by the Board. When permitted by the sponsor of research, the institution is authorized to relinquish the title to an invention and shall retain the perpetual, non-exclusive, world-wide, royalty-free rights to use the materials for educational, research, and service purposes at any institution or agency under the Board's governance.
- d. Assignment:** Any person subject to this policy shall, in order to perfect intellectual property rights, execute an invention assignment agreement in a form prescribed by and available from the chief executive officer or designee to set forth effectively the ownership of and rights to inventions. Executed invention assignment agreements shall be maintained as determined by the chief executive officer or designee of the institution or agency.
- e. Disclosure, Assignment, and Protection**

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- (1) **Disclosure:** All persons subject to this policy shall promptly disclose to the chief executive officer or designee any Invention owned by the Board as defined in this policy. Disclosure shall be made on a disclosure form prescribed by and available from the chief executive officer or designee. Such persons shall fully cooperate with the institution or agency in protecting intellectual property rights in the Invention, should the institution or agency determine that such protection is warranted.
- (2) All inventors shall execute appropriate assignment and/or other documents required to set forth effectively the ownership of and rights to Inventions.
- (3) The chief executive officer or designee will determine whether the institution or agency desires to commit funding to obtain protection for the Invention, and shall notify the inventor of the decision. The chief executive officer or designee may seek to identify one or more licensees who will bear the cost of obtaining patent protection.
- (4) In those instances where the inventor perceives that delay would jeopardize obtaining the appropriate protection for the Invention, the inventor may request that the institution or agency expedite its decision as to whether or not it shall proceed to file a patent application or take other steps to obtain available protection. The institution shall have a minimum of ninety (90) days from date of Inventor's request (longer if allowed by institutional policy) to allow for proper application of protection during which time the inventor shall not publicly disclose details of the invention. The institution or agency shall inform inventor in writing in a timely manner, if institution does not to proceed to file a patent application.
- (5) **Release of Ownership to Inventor:** In those instances when the chief officer or designee determines not to commit funding to obtain protection for the Invention, the institution shall notify the inventor and shall release right of ownership and title to the inventor pursuant to the terms of such release as set forth in this policy, or as consistent with an applicable grant or contract funding agreement.

**d. Negotiation and Execution of License Agreements for Inventions**

- (1) **Board Fiscal Policies:** License agreements granting the right to use, develop, or otherwise commercialize Board-owned Inventions are encouraged. Subject to the limits in the Board's fiscal policies\_\_\_\_\_, the chief executive officer or designee is delegated the primary responsibility for negotiating with parties having an interest in such activities, on behalf of institutions or agencies administering the research from which the Invention was developed.



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(3) **Approval:** Final terms of a license agreement for a Board-owned Invention must be approved by the chief executive officer or designee of the institution or agency.

(4) **Reporting to the Board:** Each institution and agency shall report to the Board annually in October on all license agreements for the prior year. The form and content of such reports shall be uniform in nature as prescribed by the executive director.

**f. Obligations to Sponsors**

The chief executive officer or designee(s) shall ensure compliance with reporting requirements and other obligations to research sponsors regarding Inventions developed under a research contract or grant, including but not limited to obligations to the United States under federal law.

**5. Management of Copyrightable Works**

**a. Rights of Authors**

The Board encourages the preparation and publication of Copyrightable Works that result from teaching, research, and scholarly and artistic endeavors by members of the faculty, staff and student body of Board-governed institutions and agencies and employees of the Board. Authors shall be permitted maximum freedom with respect to their Copyrightable Works, consistent with their obligations to the Board and the Board-governed institution or agency and sponsors.

**b. Ownership of Copyrightable Works**

**(1) Books, Articles, and Similar Works**

**a. Scholarly or Artistic Works**

i. In keeping with academic tradition, and except to the extent required by the terms of any funding agreement, the Board does not claim ownership in textbooks, scholarly, or artistic works, regardless of their form of expression, except for works for hire or those created with significant use of institutional resources as listed in 5.b.2. and 5.b.3.

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ii. Mediated courseware that is self-initiated and developed without specific direction by the institution, and does not use Significant Resources as defined by this policy, shall be owned by the author unless otherwise agreed. Normally, no royalty, rent or other consideration shall be paid to the employee when that mediated courseware is used for instruction at the institution and such mediated courseware shall not be used or modified without the consent of the creator(s). The mediated courseware shall not be sold, leased, rented or otherwise used in a manner that competes with the for-credit offering of his/her own institution unless that transaction has received the approval of the chief executive officer, or designee.

**b. Board Retained Rights**

If title to copyrighted works defined within these policies vests in the Board by law or policy, the institution or agency will, on behalf of the Board, upon request and to the extent consistent with its legal obligations, convey copyright to the authors of such Copyrightable Works. If a faculty member retains or is conveyed title to copyright in teaching or course materials that are not works for hire, such as class notes, curriculum guides, CD-ROMs, videos, and multi-media materials, the Board and/or the Board-governed institution or agency shall retain the perpetual, non-exclusive, world-wide, royalty-free rights to use the materials for educational, research, and service purposes at any institution or agency under the Board's governance.

**(2) Institutional Works or "Works for Hire"**

i. The Board shall retain ownership of Copyrightable Works created as Works for Hire and works created as institutional rather than personal efforts, that is, created for institutional purposes in the course of the creators' employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students. The Board owns all right, title and interest in such Institutional Works.

ii. The Board shall retain ownership of institution-directed mediated courseware. Institution-directed mediated courseware is courseware that is specifically directed by the Board or Board-governed agency by assigning one or more faculty, staff, or employees to develop the courseware and supplies the faculty, staff, or employees with materials and time to develop the courseware.

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**(3) Works Developed with Use of Significant Resources**

i. Copyrightable Works that are not Works for Hire but are works that are developed with Significant Resources shall be owned by the Board. As previously stated, the Board recognizes and affirms the traditional academic freedom of its faculty and staff to seek to publish pedagogical, scholarly, or artistic works without restriction. Thus, the Board will not retain ownership to traditional academic, scholarly or artistic works.

ii. Self-Mediated Courseware that are developed with the use of Significant Resources as defined by this policy shall be owned by the Board, unless otherwise negotiated with the chief executive officer, or designee.

**(4) Grants, Contracts or Sponsored Works**

Title to Copyrightable Works that are not works for hire but are works that are developed in the course of or resulting from creative or intellectual work products supported by a grant or contract shall be determined in accordance with the terms of the grant or contract. In the absence of such terms and to the extent consistent with copyright law, such works shall be owned by the Board, as provided in these policies.

**(5) Obligations of Employees and Others**

Persons covered by this policy shall, upon request by the chief executive officer or designee, of the institution or agency, in order to perfect intellectual property rights, execute an assignment agreement in a form prescribed by and available from the chief executive officer or designee to set forth effectively the ownership of and rights to Copyrightable Works. Executed assignment agreements shall be maintained as determined by the chief executive officer or designee of the institution or agency.

**c. Disclosure, Assignment, and Protection**

(1) Authors of Copyrightable Works that are not owned by the Board or not subject to the terms of a funding agreement own the copyrights in their works and are free to publish them, register the copyright, and to receive any revenues which may result therefrom.

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- (2) Authors of Copyrightable Works that are owned by the Board under paragraphs 5.b.(2), 5.b.(3) and 5.b.(4) above shall promptly disclose to their chief executive officer or designee any work of authorship covered by this policy, including those made under sponsored research or cooperative arrangements. Disclosure shall be made on a disclosure form prescribed by and available from the chief executive officer or designee and a copy shall be filed with the office designated by the chief executive officer or designee. Such persons shall fully cooperate with the institution or agency in protecting intellectual property rights in the work of authorship. Furthermore, upon request by the chief executive officer or designee, in order to perfect intellectual property rights, such persons shall warrant that, to the best of his/her knowledge, the work does not infringe upon any existing copyright or other legal rights, that work not identified as quotations is the expression or creation of the author; and that necessary permission for quotation and the use of third party works has been obtained.

**d. Negotiation and Execution of Agreements for Copyrightable Works**

Agreements permitting a party to use, develop, or otherwise commercialize Copyrightable Works owned by the Board are encouraged. The chief executive officer, or designee, is delegated primary responsibility for negotiating with third parties having an interest in using, developing or otherwise commercializing Copyrightable Works owned by the Board. Each institution shall report to the Board annually in October all license agreements for the prior year. The form and content of such reports shall be uniform in nature as prescribed by the executive director.

**e. Software as Patentable Subject Matter**

In recent years, the United States Patent and Trademark Office has determined that software which meets certain technical and legal criteria may be patentable. In the case that software originally thought to be a Copyrightable Work subsequently is determined to be patentable subject matter, ownership and management of the software shall be determined as for Inventions.

**6. Distribution of Income from Commercialization and Licensing**

**a. Income**

Income is defined as all royalties, proceeds, dividends, payments or monetary compensation of any sort with the following exceptions: gifts, sponsored research, non-monetary payments, or endowed chairs.

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**b. Distribution of Income from Inventions**

(1) All income from commercialization of Board-owned inventions are the property of the relevant institution or agency. Income received by an institution or agency from commercialization of an Invention will be distributed as follows:

- a. All costs and expenses, including but not limited to, establishing, maintaining, licensing and defending a patent, including all direct costs of prosecuting infringements of patented inventions. Deduct the costs of obtaining legal protection for the invention to arrive at "adjusted income" (when such costs are not provided from other sources).
  - b. Distribution of the remaining income shall be as follows: to the institution, agency, institutional research office or institutional research foundation (but not to a for-profit management firm or other private agent) an amount not less than fifty percent (50%).
- (2) Any other distribution must have the express prior approval of the Board.
- (3) In the event of multiple inventors, the inventors will agree among themselves as to the distribution of the income accruing to the inventors; distribution of the inventors' share shall be made only upon receipt of an appropriate signed agreement among the inventors. If the inventors fail to provide the institution with an agreement upon request of the institution, the institution shall distribute the income in equal shares to the inventors. In the event that an inventor is a joint employee of two or more institutions or agencies, or in the event that inventors represent two or more institutions or agencies, the institutions and/or agencies will agree as to the distribution of the income accruing to the institutions and/or agencies, considering such factors as annualized FTE by component and relative contributions of the inventors to the work.
- (4) All compensation, in any form, derived from an Invention not defined as income, shall be property of the Board-governed institution or agency.

**c. Distribution of Income from Copyrightable Works**

All income from commercialization of Copyrightable Works are the property of the institution or agency from which the work emerged. Income received from commercialization of Copyrightable Works will be distributed as follows:

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**(1) Works for Hire**

The relevant institution or agency shall be entitled to all income from distribution or commercialization of Works for Hire.

**(2) Works Developed with Significant Use of Resources**

Distribution of income shall be made in accordance with steps described in paragraph 6.b. above.

In the event of multiple authors, the authors will agree among themselves as to the distribution of the income accruing to the authors; distribution of the authors' share shall be made only upon receipt of a signed agreement among the authors. If the authors fail to provide the institution with an agreement upon request of the institution, the institution shall distribute the income in equal shares to the authors. In the event that an author is a joint employee of two or more institutions or agencies, or in the event that authors represent two or more institutions or agencies, the institutions or agencies will agree as to the distribution of the income accruing to each, considering such factors as annualized FTE by institution or agency and relative contributions of the authors to the work.

**d. Equity and Other Non-monetary Returns**

- (1) Board-governed institutions and agencies may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to Inventions or Copyrightable Works.
- (2) Inventors and authors may, at the option of the institution or agency, receive up to fifty percent (50%) of any equity or other non-monetary consideration received by the institution or agency under this section. However, the institution or agency may choose to receive the consideration under terms that restrict its ability to sell, distribute, or otherwise deal with the equity interests. In such cases, any restrictions on the institution's or agency's interest shall be equally applicable to the interest of the inventor or author, unless waived or varied in writing and signed by the chief executive officer or designee and the inventor (for inventions), or by the chief executive officer, or designee, and the authors (for Copyrightable Works).
- (3) Neither the Board nor any Board-governed institutions or agencies acts as a fiduciary for any person concerning equity or other consideration received under the terms of this policy.

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**7. Trademarks**

Generally, a Trademark identifies an athletic, educational, service, public relations, research, or training program of an institution or agency. The Board owns all right, title, and interest in such Trademarks. Subject to the Board's fiscal policies\_\_\_\_\_, each institution and agency shall report to the Board annually in October on all license agreements for the prior year. The form and content of such reports shall be uniform in nature as prescribed by the executive director. Board-governed institutions and agencies may use and license the use of Trademarks related to the particular institution or agency directly or through one or more appropriate agents. All income from the licensing of a Trademark shall belong to the relevant institution or agency.

**8. Trade Secrets**

This section is applicable only to trade secrets of Board-governed institutions or agencies. Trade secret protection may be available under state law for technical or business information, including formulae, processes and devices used or usable to achieve a competitive advantage in a trade or business and not publicly available. Trade secrets may be retained for specific purposes, such as to allow for the preservation of rights to file a patent application.

**9. Tangible Research Property**

- a. The Board owns all right, title, and interest in Tangible Research Property resulting from a Work-for-Hire or the use of Significant Resources. Ownership of Tangible Research Property pursuant to a grant or contract funding agreement shall be determined in accordance with the grant or contract.
- b. For purposes of management of the asset, Tangible Research Property shall be managed as an Invention with distribution of income from the distribution or commercialization of such Tangible Research Property made in accordance with policies regarding inventions.

**10. Provisions for Release of Rights to Inventors and Authors**

- a. **Release of Rights:** An institution or agency, on behalf of the Board, may, subject to the terms of any applicable grant or contract funding agreements, release to the inventor(s) all the rights, including the title, to an Invention, may release to an author the rights to a Copyrightable Work, and may release to an employee certain items of tangible research property, subject to the Board's retained rights as provided for in paragraph 10.b. below.

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- b. Retained Rights:** The institution or agency shall retain, on behalf of the Board, a perpetual, royalty-free, world-wide, non-exclusive license to all rights granted or created by the patent or copyright for the Invention or Copyrightable Work, and any corresponding patents or copyrights, for research, education, and service purposes.

**11. Departing and Former Employees**

Persons who are leaving the employ of the Board or a Board-governed institution or agency shall disclose no later than the last day of employment to the chief executive officer or designee of the institution or agency on a form prescribed by and available from the chief executive officer or designee all work or projects that are Works-for-Hire or Inventions in which the employee has participated as an employee of the Board. Former employees of the Board or a Board-governed institution or agency are under a continuing obligation to make the disclosures and assignments required under this policy. All items or materials, including tangible research property, critical to establishing a point of invention or creation may be maintained by the institution or agency unless released to the employee, pursuant to Section 10 above.

**12. Dispute Resolution**

Disputes concerning the application of this policy, including but not limited to the ownership of Intellectual Property, shall be submitted to and considered by the chief research officer or designee of the institution or agency under such policies as are adopted by the institution or agency. After due consideration of the information submitted by the parties, the chief research officer or designee shall make a non-binding recommendation, and state the basis therefore, to the chief executive officer or designee of the institution or agency. The chief executive officer, or designee, shall, if requested by the other involved party, appoint a hearing officer who is an attorney licensed in the state of Idaho, who is not an employee at a Board-governed entity, who shall review the entire proceedings thus far, and shall direct other proceedings as he or she shall deem necessary and shall then deliver a recommendation to the chief executive officer, or designee, who shall render a decision. The decision may be appealed to the Board as provided in applicable Board policy.

**13. Relationship with Research Foundations**

- a.** The Board authorizes each Board-governed institution and agency to cause the creation of one or more non-profit research foundations affiliated with the institution or agency.



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- b. The chief executive officer or designee shall develop a master agreement setting forth the relationship between the institution or agency and the research foundation. The master agreement, and any material changes thereto, shall be subject to prior approval by the Board. The master agreement shall set forth, at a minimum, practices and procedures relating to the relationship of the institution or agency with the research foundation and the conduct of the research foundation's business.
- c. Board-governed institutions and agencies need not create or use research foundations, or they may use research foundations for the management, transfer, and licensing of some types of intellectual property but not others.
- d. Institutions and agencies are authorized to utilize intellectual property management firms in lieu of research foundations for their management and technology transfer activities.

**14. Repeal of Institutional and Agency Policies and Adoption of New Policies**

- a. The chief executive officer or designee of each Board-governed institution and agency shall cause all institutional or agency policies to be reviewed by legal counsel for conflicts with this policy. Such review shall be completed no later than July 1, 2002. Any policies, or portions thereof, found to be in conflict with this policy by the chief executive officer or designee are hereby repealed.
- b. The chief executive officer or designee is hereby authorized and required to adopt new policies necessary or desirable to implement this policy at the institutional or agency level. Such policies shall be submitted to the Board as information items no later than July 1, 2002.

## **Subject**

### **15. Technology Incentive Grant Program--Funded Proposals**

#### **Background**

The Idaho Technology Incentive Grant (ITIG) program was created in 1997, and has funded 34 projects at a total of \$7 million. The Board requested \$1.7 million from the Legislature for FY 2002 for continued funding of this competitive program to foster innovative learning approaches using technology. Of that amount, \$250,200 is committed to previously approved projects, and should be honored.

#### **Discussion**

Working with the Presidents and Provosts, staff developed a revised grant proposal that focuses upon enhanced student learning, faculty development, technology in the curriculum and increased access to education programs. An evaluation committee consisting of a representative from the IRSA Committee, the BAHF Committee, ITRMC, the Chief Academic Officer and the Chief Technology Officer met March 26, 2001 to evaluate the proposals.

#### **Recommendation**

The Evaluation Committee recommends funding the grant proposals as exhibited in Item 15a.

#### **Committee Action**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to recommend approval/disapproval/table the funding of proposals for the Idaho Technology Grant Program as exhibited in Item 15.

#### **Board Action**

It was moved by \_\_\_\_\_ and carried to approve/disapprove/table the funding of the Proposals for the Idaho Technology Incentive Grant Program as exhibited in Item 15.

#### **Attachments**

Item 15     Idaho Technology Incentive Grant Program FY02 Summary Table

**Idaho Technology Incentive Grant Program FY02 Summary Table**

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