

## General Governing Policies and Procedures

### **A. Policy-Making Authority**

#### **1. Definition**

The Governing Policies and Procedures provide broad basic principles which the Board intends each institution and agency under its governance to follow and generally form the foundation for Board Procedures. As used in this Section, "institutions and agencies" means the institutions, agencies, school, office, and department under the governance of the State Board of Education and Board of Regents of the University of Idaho herein after referred to as "the Board."

#### **2. Powers and Duties.**

The Board, as the designated policy-making body for the institutions and agencies under its governance, has all of the powers and duties established by the Constitution of the State of Idaho and the statutes appearing at Title 33 *et seq.* of the Idaho Code, as may be amended. Although the Board is responsible for ensuring that its policies and procedures are followed, it does not participate in the details of internal management of its institutions and agencies. That responsibility is hereby delegated to the respective chief executive officers. Members of the Board, as representatives of the State and its citizens, may exercise official authority only when the Board is in session or when they are acting on behalf of the Board pursuant to its direction.

#### **3. Policy Decisions.**

Assisted in its deliberations by the executive director, the chief executive officers, and other institutional or agency constituencies, the Board undertakes policy-making decisions in areas such as the following:

- a. Consideration of policy proposals of the office of the Board, chief executive officers, employees, and other interested parties in accordance with established Board procedures.
- b. Adoption of policies to ensure the effective internal management of the institutions and agencies, and to encourage the highest quality of service by Board employees.
- c. Review of and action on the goals and objectives, including the statements of role and mission, of each institution and agency.
- d. Evaluation of the administration and execution of Board policies.
- e. Approval or disapproval of other policy matters requiring action by the Board.

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### **4. Conformance with State and Federal Law**

All Board Governing Policies and Procedures and the internal policies and procedures of its institutions and agencies will comply with and be in conformance to applicable laws.

### **5. Adoption, Amendment, or Repeal of Board Policies**

- a. Board policies may be adopted by majority vote at any regular or special meeting of the Board. The adoption, amendment, or repeal of a Board policy may be requested by any member of the Board, the executive director, or any chief executive officer. Persons who are Board employees, or students or student groups, must file a written request with the chief executive officer of an institution or agency, or his or her designee, to receive Board consideration. An Idaho resident, other than those described above, may file a written request with the executive director for Board consideration of a proposal. Regardless of the source, a statement of the proposed adoption, amendment, or repeal must be presented to the executive director for transmittal to the Board. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director will also notify the appropriate chief executive officer of the nature of the request.
- b. Board action on any proposal will not be taken earlier than the next regular or special meeting following Board approval for first reading. During the interim between the first reading and Board action, the chief executive officers will seek to discuss and review the proposal with faculty, staff, or other Board employees and students or student groups, as appropriate. The chief executive officers will transmit summaries of oral statements and written comments on the proposal to the executive director. After thorough consideration, the proposal will be presented by the executive director to the Board for action.
- c. The executive director is authorized to make nonsubstantive corrections and amendments to Board Governing Policies and Procedures as may be necessary in such areas as typographical errors, cross-references, and citations of state and federal statutes.

### **6. Catalog of Bylaws, Governing Policies and Procedures, and Rules.**

The executive director maintains a catalog of Board Bylaws, Governing Policies and Procedures, and Board rules. Official copies of Board Bylaws and Board Governing Policies and Procedures will be provided to members of the Board and the chief executive officers for their own use. In addition, official copies will be provided to each chief executive officer for use at the institution or agency. One of these official copies must be made available by each chief executive officer for use at a convenient location by employees, students, and other interested parties.

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**B. Board Procedures**

**1. Definition**

Board Procedures clarify the Governing Policies and are statements of procedure adopted by the Board concerning the management and operation of the institutions, the agencies, and the Board itself. The Procedures are intended to deal with specific methods or issues within the broad framework of the Governing Policies. Board actions directed to particular situations or intended to direct or guide an individual institution or agency are not to be construed as Board Procedures.

**2. Adoption, Amendment, or Repeal of Board Procedures.**

- a. Board procedures may be adopted by a majority vote at any regular or special meeting of the Board. The adoption, amendment, or repeal of a Board procedure may be requested by any member of the Board, the executive director, or any chief executive officer. Persons who are Board employees, or students or student groups, must file a written request with the chief executive officer at an institution or agency, or is or her designee, to receive Board consideration. An Idaho resident other than those described above, may file a written request with the executive director for Board consideration of a proposal. Regardless of the source, a statement of the proposed adoption, amendment, or repeal must be presented to the executive director for transmittal to the Board. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director also notifies the appropriate chief executive officer of the nature of the request.
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### **C. Board Rules**

1. "Board rules" are defined as statements of general applicability that (a) implement, interpret, or prescribe law or policy and (b) describe the organization, procedure, or practice requirements of the Board which affect private rights or procedures available to the public or declaratory rulings pursuant to Section 67-5201 *et seq.* of the Idaho Code.
2. The "Board Bylaws and Governing Policies and Procedures" are statements of internal management for the institutions, agencies, and the Board itself and do not constitute Board rules under the meaning of 67-5201 *et seq.* of the Idaho Code, known as the "Administrative Procedure Act."
3. "Board Governing Policies and Procedures" regarding the curricula of the institutions, students attending or applicants for admission to the institutions, and the use and maintenance of land, equipment, and buildings of the respective institutions are not considered rules under the meaning of the Idaho "Administrative Procedure Act."
4. The adoption procedures, numbering and format, hearing notice, hearing, procedures, publication, transmittal, and related matters pertaining to Board rules must be in conformity with the requirements of the "Administrative Procedure Act."
5. The executive director, in consultation with the Board's legal counsel, decides whether a policy or procedure matter is to be considered a rule.
6. Board rules have been printed in the State Board of Education Rule Manual (IDAPA 08.01).

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### D. Board Meetings

#### 1. Order of Business.

Each Board meeting agenda is structured as follows (unless requested otherwise by a Board member or chief executive officer):

##### First Day

- a. Three (3) standing committees of the Board—Personnel/Student Affairs, Finance, and Academic Affairs and Program—meet to consider agendas and recommendations from the institutions and agencies.
- b. Meeting/lunch with faculty, staff, students, etc., of the host institution or agency.
- c. Convene, establish quorum, and approve minutes of previous meeting.
- d. Reports of Board committees and Board action on these reports.
- e. Hearings and presentations by institutions and agencies in areas of long-term interest to the Board or its committees. (These are informational sessions without votes or Board action.)
- f. Joint agenda items.

##### Second Day

- a. Consideration of and action on the agenda items concerning public schools and the State Department of Education.
- b. Boardwork-routine and housekeeping matters.

#### 2. Agenda Categories.

- a. Institutions and Agencies.

The institution and agency agendas must be received at the Board office by a date to be determined by the executive director. Any agenda information not supplied by the set date will not be considered by the Board at that Board meeting without the specific approval of the executive director. The agendas are reviewed by the

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executive director and the chief executive officers to determine that all recommended transactions are in accordance with statutes, Board Governing Policies and Procedures, and previous Board action. The executive director may raise questions with the appropriate chief executive officer as to any agenda item. If there is a question concerning legality or conformance with Board policies and procedures, previous Board action, or appropriateness of any agenda item, the executive director brings the matter to the attention of the chief executive officer and the Board.

b. Contents.

- (1) Reports of personnel matters, contracts, purchases, and other matters required to be reported to the Board for action or information.
- (2) Reports of program matters requiring Board action in accordance with Section III, Postsecondary Affairs, and Section IV, Agency Affairs.
- (3) Reports of technology matters which are presented to the Board to (a) obtain the Board's approval, (b) seek the Board's advice, or (c) provide information for the Board, will be coordinated through the Board's technology officer. While the reports will remain under the authority of individual agencies/councils, a consolidated set of reports will be presented to the Board at least quarterly. Technology matters that are time sensitive and need immediate action may be forwarded to the Board through the Telecommunication Council and the Academic Affairs and Program Committee while remaining under the authority of individual agencies/councils for presentation at the next scheduled Board meeting.
- (4) Reports of matters requiring Board action in accordance with any other provision of these policies and procedures.
- (5) Reports of special matters not specifically mentioned in the policies and procedures which are presented to the Board to (a) obtain the Board's approval, (b) seek the Board's advice, or (c) provide information for the Board.

c. Format.

The model agenda serves as the general guideline for each chief executive officer in preparing his or her agenda and report(s) to the Board.

#### **MODEL AGENDA**

Classification of Agenda Items:

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All institutional or agency agenda items are submitted for approval in the following format and color-coded as noted below:

2.0 Personnel/Student Affairs  
Agenda Items (green)

3.0 Academic Affairs & Program  
Agenda Items (yellow)

4.0 Financial Agenda Items (blue)

10.0 Technology Topics (brown)

Agendas prepared by the Office of the State Board of Education:

Boardwork Agenda (salmon)  
Joint Session Agenda (goldenrod)

d. College and Universities—Joint Agenda.

Matters of statewide concern for the college and universities, including program requests or modifications, must be placed by the executive director on the College and Universities—Joint Agenda in order to allow the Board to gain an overall perspective of agenda items which may impact the state system of higher education. The executive director and the chief executive officers will cooperatively develop items to be included in this agenda.

e. Reports of Officers, Board Members, Representatives of the Board.

(1) Board President—The Board president may present correspondence directed to the Board and report such other matters as the Board president deems worthy of Board consideration or action.

(2) Other Officers and Board Members - Other Board officers and members may present matters to the Board for consideration or action.

(3) Superintendent of Public Instruction—The Superintendent of Public Instruction may report on any matters which he or she deems to be of interest to the Board or which require Board action to implement its constitutional and statutory

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responsibility for the governance and supervision of the public school system and the Department.

- (4) Executive Director—The executive director may report on matters which he or she deems to be of interest to the Board or which require Board action, including any action taken by the executive director on matters delegated by the Board.
- (5) Legal Counsel -- From time to time, the Board's legal counsel may present a summary report to the Board, which may include a summary of the status of significant litigation and other legal matters that may be of interest to the Board.

#### **3. Special Presentations to the Board.**

- a. Each institution and agency is to establish a procedure to allow persons to address the Board regarding any item on the institution or agency agenda. The chief executive officer may prescribe the form and duration of such presentation subject to the ruling of the Board's presiding officer. The chief executive officer must also communicate the nature of the special presentation to the executive director at least ten (10) days before the Board meeting.
- b. Persons who cannot avail themselves of the procedures established by a chief executive officer at an institution or agency may file a written request with the executive director at least fifteen (15) days before a Board meeting. The request must include the name and address of the person wishing to speak, the name of the organization or group represented, if applicable, and a summary of the proposed presentation. The executive director, who may consult with the Board president before making a decision, will notify the individual or organization whether the request is granted or denied. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director will also notify the appropriate chief executive officer of the disposition of the request. If the request is granted, the executive director, at least five (5) days before the Board meeting, will notify the person of the place, approximate time, duration, and form of presentation.
- c. The above requirements notwithstanding, the executive director may exercise his or her discretion to waive the required period of time, if the request to make a presentation is of a timely or urgent nature. The Board reserves the right to recognize any person, on the motion of any Board member, to make a presentation to the Board.



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- d. Any individual or organization making a presentation must submit one (1) written copy of the presentation, along with any supporting documents, to the executive director for inclusion in the permanent exhibits. If the subject matter of the presentation concerns an agency, institution, school, office, or department of the Board, the individual or organization must also transmit one (1) copy of the presentation to the appropriate chief executive officer before the meeting at which the presentation is scheduled. If the individual or organization wishes broader distribution, thirty (30) copies of the materials should be given to the executive director or his or her designee.
- e. Members of an institutional or agency staff may address the Board on invitation from any member of the Board, the executive director, or any chief executive officer.

### **4. Public Hearings.**

- a. The Board may, from time to time, hold public hearings on matters it deems appropriate or as required by its Governing Policies and Procedures. Notice of the time and location of the hearing is given by the executive director.
- b. Persons planning to make comments at a public hearing of the Board should submit one (1) written copy, along with any supporting documents, to the executive director for inclusion in the record of the hearing.

### **5. Distribution of Agenda Materials.**

Agenda materials are mailed to each member of the Board, the Board Office in a number determined by the executive director, and news media representatives according to a listing maintained by the executive director.

The chief executive officer also distributes agenda materials to any persons deemed by the chief executive officer to have need of such materials and makes at least one (1) copy of the institution or agency agenda material available for inspection by the general public at a convenient location at the institution or agency.

### **6. Calendar of Report Submissions.**

To facilitate the complete and timely presentation of information to the Board, the executive director may develop a calendar for submission of items to the Board by the executive director and the chief executive officers.

### **7. Recording of Proceedings by Media Representatives.**

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News media representatives may record, at their own expense, by tape, film, or other means, the proceedings of the Board or its committees that are required by the laws of the State of Idaho to be open to the public.

### **8. Permanent File.**

Board Minutes upon approval, agendas of the institutions and agencies, and a record of other actions of the Board are placed on permanent file in the Office of the Board. Persons desiring to obtain photocopies of any item on permanent file must file a written request with the executive director and, upon payment of the cost of photocopying, may obtain the requested copies. The permanent files are open for examination during regular business hours and under such conditions as are necessary to ensure the integrity and safekeeping of the permanent files of the Board.