

**OFFICIAL MINUTES OF THE
MEETING OF THE STATE BOARD OF EDUCATION
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
TRUSTEES OF BOISE STATE UNIVERSITY
TRUSTEES OF IDAHO STATE UNIVERSITY
TRUSTEES OF LEWIS-CLARK STATE COLLEGE
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION
TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND**

March 7, 2002
Regular Scheduled Meeting
Allen Nobel Hall of fame
Boise State University
Boise, Idaho

The meeting notice was posted and distributed in compliance with Idaho Open Meeting Law Requirements. With a quorum present, the meeting was lawfully convened at 8:00 a.m. on March 7, 2002, with Ms. Karen McGee, President of the State Board of Education and Board of Regents of the University of Idaho, presiding.

Members Present:

Karen McGee, President
Blake Hall, Vice President
James C. Hammond, Secretary
Paul Agidius
Marilyn Howard, State Superintendent of Public Instruction
Roderic W. Lewis
Laird Stone

All exhibits referenced in these minutes are on file as Permanent Exhibits with the Office of the State Board of Education.

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1. BOARDWORK

1) Agenda Approval

It was moved by Mr. Hammond, seconded by Mr. Lewis and carried (7-0) to approve the agenda for the March 7-8, 2002 meeting. (Motion #1)

2) Set Rolling Calendar

It was moved by Mr. Hammond, seconded by Mr. Hall and carried (7-0) to approve March 6-7, 2003 as the dates and Boise State University as the location of the March 2003 regular scheduled meeting. (Motion #2)

3) Approve Minutes

It was moved by Mr. Hammond and seconded by Mr. Lewis to approve the minutes of the January 21-22, 2002. The motion was amended by Mr. Lewis and Mr. Hammond to include the following changes:

1. Include additional discussion on the Funding Equity topic.
2. Reformat to show topics in the order they are addressed by the Board.

The amended motion carried (7-0). (Motion #3)

Permanent Exhibit #1

2. Open Forum

- 1) Glenn Miles - Condition of Higher Education & Promise Scholarship
- 2) Evangeline Beechler - Idaho Student Association
- 3) Tyson Smith - Mandatory Health Insurance & Student Fees
- 4) Kasey Cole Swisher - Student Fees
- 5) Ryan White - Student Fees

Permanent Exhibit #2

3. Wal-Mart Store in Idaho Falls

Mr. Jeff Frieberg of Harper Leavitt Engineering and Mr. Thomas Rossillon of Boyle Engineering presented information to the Board regarding a proposed easement over State land to the Wal-Mart Shopping Center in Idaho Falls.

Dr. Miles LaRowe said he had not had the opportunity to review the information presented and asked to defer comment until he could meet with Mr. Agidius and EITC's attorney. Mr. Agidius added that this was the first time he had seen the information as it had just been put together.

Mr. Hall asked for the decision time line. He was advised that approval needed to be given and the design completed by May 1, but that there were some earlier dates that needed to be met. Dr. LaRowe advised the Board that there could be additional information that would impact the time lines.

Ms. McGee asked Mr. Agidius and Mr. Gary Stivers to review the issues and bring recommendations to the Board in April.

Permanent Exhibit #3

4. Idaho's MOST

1) It was moved by Mr. Hammond, seconded by Mr. Lewis and carried (6-0) to approve the appointment of Leonard A. Crosby to the Idaho's MOST Advisory Group. (Motion #4)

2) Mr. Arthur Taylor reported on legislation the Nez Perce Executive Tribal Committee is sponsoring that deals with the authorization of individuals to teach Indian languages to K-12 students. Dr. Patty Toney advised that Idaho's MOST was working with the Committee on the legislation.

3) Dr. Toney reported that Mr. Al Gorin would be presenting to the Advisory Group in May and that he may come to the Board's Open Forum in April or June.

Permanent Exhibit #4

5. Assessment and Accountability

Ms. McGee advised that an Accountability Summit would be held in Boise on March 11-12, at Boise State University. Also, an Accountability team will be holding meetings around the state in May to solicit input on how to tie Assessment to Accountability.

Ms. Lydia Guerra reported:

- 1) Standards posters are being printed and will be distributed to all school districts to be hung in all classrooms.
- 2) Approximately 22,000 Standards CDs are being produced (one for each teacher) and should be ready to be mailed out in April.
- 3) A web site is being designed with the address: idahoachieves.com

Permanent Exhibit #s 5 & 6

6. State Department of Education

- A) ISU Teacher Preparation Program Review Report

It was moved by Dr. Howard, seconded by Mr. Hall and carried (7-0) to approve the request by the Professional Standards Commission to accept the State team report as approved by the Professional Standards Commission, thus providing State Board of Education continuing program approval for the teacher preparation program at Idaho State University in Pocatello, Idaho. (Motion #5)

- B) Petitions to Redefine Trustee Zones

As a result of the decennial census, some school zones must be redefined. Those submitted for approval were:

Shelley Jt. SD #60
Swan Valley Elementary SD #92
North Gem SD #149
West Side Jt. SD #202

Gooding Jt. SD #231
Lapwai SD #341
Mullan SD #392
Cambridge Jt. SD #432

It was moved by Dr. Howard, seconded by Mr. Hammond and carried (7-0) to approve the proposals from the above-listed school districts to redefine their trustee zones. (Motion #6)

C) Pend Oreille/Lakeland Property Transfer

The hearing officer recommended that the petition be approved and an election held. The SDOE agreed with the recommendation. Dr. Robert West said the Pend Oreille School District opposes the transfer as they feel the family initiating the boundary change could make arrangements with Lakeland SD for their child to continue attendance in that district.

Dr. West asked if any of the involved parties were in the audience and wished to speak to the issue. Ms. McGee also asked if there were any representatives from either school district. No one came forth or indicated a desire to speak.

Mr. Stone felt approving the transfer set the wrong standards as other places in Idaho have the same situations, and there is a statute in place that allows students to make application to attend school in other districts.

Dr. Howard was concerned about people moving to an area and then coming to the Board to get approval to move their property to another district. She felt the interim step of working out an arrangement with the school district was being bypassed in this instance; therefore, she would vote against her motion.

Mr. Hammond felt approval should be given because Lakeland SD has built schools in the area and Pend Oreille has not, and as the area is developed, the need for the land to be in the Lakeland SD will increase.

It was moved by Dr. Howard and seconded by Mr. Hammond to approve the hearing officer's recommendation to approve the petition to transfer property. The motion failed (1-6). (Motion #7)

D) Amended School Accreditation Rating Request

Dr. Howard said a clerical error in the March report listed the Gooding Middle School as "Approved, with Warning" when it should have been "Approved." She asked the Board to approve the rating correction.

It was moved by Dr. Howard, seconded by Mr. Hammond and carried (7-0) to approve the request for an amended rating for Gooding Middle School to "Approved" as submitted. (Motion #8)

E) Superintendent's Report

1. USDE - Title I Compliance Status Report

Dr. Howard updated the Board on the status of negotiations with the U.S. Department of Education regarding the Title I programs. She reported:

Idaho receives approximately \$30M per year in federal funds to implement the program and is one of the states not in compliance with federal law and the rules of Title I, which requires that all states adopt standards and a statewide testing program. She said she advised the federal hearing officer last December that Idaho is moving forward in those areas.

Now that standards have been developed, federal attention has turned to the testing program. The Assessment plan approved by the Board for a statewide test does not meet federal requirements in all areas. The problem is that much of Idaho's program relies on level testing, i.e. checking to see how much a student has progressed over a period of time. The federal requirement is for each student to be measured against the standards, i.e. to what extent are students meeting or not meeting the Achievement Standards. She advised that Allen Olson of the NWEA is aware of the issues and has signed a Memorandum of Understanding (MOU) that outlines what he will do to assist the state in meeting federal requirements. A review of that MOU by the USDoE raised additional concerns, which will be incorporated into the final MOU. A draft compliance agreement was submitted to the USDoE.

Dr. Howard advised that earlier in the week she sat in on a conference call with the Title I office, which had some suggestions for amending the plan. Within a couple

of weeks someone from that office will fly to Idaho to assist in working out the details. A message will be sent to Allen Olson asking him to attend the meeting.

The SDOE will work with Allen Olson to design a test schedule to make sure the Title I program and the SDOE Bureau of Special Education work together on test instruction and reporting requirements. Dr. Howard was optimistic that it would be completed on time.

She said they are working to design a plan that complies with federal law, fits within the Board's Assessment plan and meets the long-term requirements of the "No Child Left Behind Act." She will advise the Board as soon as a plan is developed.

Mr. Hall said there is the impression among some people that the state had previously met Title I requirements, but his impression was that the state has never been in compliance with the Title I requirements. He asked for clarification.

Dr. Howard responded that Idaho has been on waivers until the requirements are in place. However, the waivers ran out.

Mr. Hall asked whether or not the Iowa Test of Basic Skills (ITBS) met Title I requirements. Dr. Howard replied that it would be possible to use the ITBS if it were matched to Idaho standards, but that additional performance-type assessments would be needed to fill in the gaps, i.e. the ITBS would have to be modified to meet Title I requirements.

Hall said it was reported that when the Board withdrew the requirement that school districts use the ITBS, it affected the Title I waiver. He asked for clarification that it did not. Dr. Howard said it impacted in that we needed an ongoing, consistent way of testing students that has state approval, therefore, we were in a bind for a time. But with the adoption of the new testing procedure, we will be able to start again. Mr. Hall said the waiver would have expired in any event. Dr. Howard agreed and said that last fall they were notified that they would have to have a new agreement in place for the upcoming school year (2002-03).

Mr. Hall asked if the state, working with the NWEA, would come to complete compliance with Title I requirements. Dr. Howard said we should have a stronger system than many states because the system would measure student growth as well as whether or not they are on track with their peers.

2. Public Schools Budget

Mr. Lewis said appropriated funds were increased approximately 3 per cent over the prior year and was concerned that it is being characterized that the budget was decreased, but there were no solutions communicated on where to obtain additional funds. He asked Dr. Howard for her thoughts on why the negative instead of the positive was being communicated.

Dr. Howard replied that numbers can be shown in any number of ways and when we hear about increases and decreases, we are not always talking about the same numbers. When the negative supplemental went through, in a sense it created a new base for last year's appropriation and the kinds of comments being heard related to that new base. The problem for the local districts is that they were given appropriations a year ago on which they based their budgets. She said her intent is to be as clear as possible about needs and what is affordable, as well as what the districts face. She also felt it was important for her to be an advocate for funding for the kinds of programs that are needed.

Ms. McGee thanked Mr. Lewis for his comments and said she felt it was important to show that everyone had done the best they could to give money to education. She questioned how much it had cost to bus teachers to Boise and for them to take a day off, which will add an extra day to the school year.

Mr. Lewis extended his appreciation to the legislature for trying to hold the public schools' budget to where it is and for giving an increase instead of a decrease.

3. Legislation

- a. The post-legislative statewide tour is being planned.
- b. Public Education lost approximately \$31M in this year's budgeting because Angel money will not be available.
- c. Suggested the Board take time at its April meeting to review the appropriations.

Permanent Exhibit #7

7. Business Affairs and Human Resources

FINANCE

- 1) Agenda Summary

See Permanent Exhibit.

- 2) Institution/Agency Information Items

- a. Foundation Reports - BSU, ISU, UI & LCSC

2. ISDB Student Activity Fund Report

- 3) ISU - Easement to the City of Pocatello

It was moved by Mr. Hammond, seconded by Mr. Agidius and carried (7-0) to approve the Correction Deed to Easement and Relinquishment of Right, Title and Interest to Land Described in Instrument No. 479711 in the Office of the Bannock County Clerk and Recorder, Pocatello, Idaho, as identified in the exhibit. (Motion #9)

- 4) UI - Agreement with City of Moscow - Moscow Fire Department

Mr. Keith Hasselquist said the benefits were given to the Moscow Police Department in 1996 and the UI was requesting permission to offer the same benefits to the Moscow Fire Department. Both departments provide services to the University by contract.

It was moved by Mr. Agidius, seconded by Mr. Hammond and carried (7-0) to approve the University of Idaho's request to amend its Agreement for Fire Response and Suppression Services with the City of Moscow to offer an educational privilege and access to recreational facilities to the salaried personnel of the Moscow Fire Department. (Motion #10)

- 5) UI - Revised Planning & Design Development Work

In April 2000 the Board approved \$300,000 for the initial pre-design, programming and space analysis phase of planning for an Education and Performance

Facility (formerly the Performing Arts Center) on the Moscow campus. The UI requested authorization for further planning and design development work. The request includes approval to execute the contracts for architectural/engineering services and construction contracts to accomplish the scope of the work.

Mr. Hasselquist said that when planning is completed, the UI will come back to the Board for additional approvals.

It was moved by Mr. Agidius, seconded by Mr. Hammond and carried (7-0) to approve the request from the University of Idaho to execute contracts for architectural/engineering services for scope of construction for the Education and Performance Facility in an amount not to exceed \$1,300,000. (Motion #11)

6) UI - Naming Building Three, Idaho Place Project

It was moved by Mr. Agidius, seconded by Dr. Howard and carried (7-0) to approve naming Building Three in the Idaho Place project in honor of Thomas C. Wright. (Motion #12)

7) JFAC - Discussion Item

Mr. Hasselquist reviewed legislative actions regarding FY02 reductions and holdbacks. He also advised that operating budgets to the Board in June which would identify actions taken to meet funding reductions. He then reviewed the Governor's plan for capital projects.

Permanent Exhibit #s 8 & 9

HUMAN RESOURCES

1) Agenda Summary

See Permanent Exhibit.

2) Institution/Agency Agendas

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (7-0) to approve the institution/agency agenda items for Boise State University, Idaho State University, the University of Idaho and Idaho Public Television. (Motion #13)

3) IPTV - Staff Reduction Authorization

Mr. Peter Morrill presented financial concerns which resulted in the request by IPTV to reduce staff.

IPTV has suffered a substantial budget reduction for FY03, which has had an adverse impact resulting in a financial crisis. He reviewed documentation on the financial status of the agency. Mr. Morrill said the main objective has been to maintain the integrity of the statewide delivery system and to ensure the completion of the digital conversion.

Mr. Morrill said he was bringing the issue to the Board at this meeting because all financial liabilities associated with personnel issues must be completed by June 8. Additionally, the most recent 1 percent holdback, implemented in February, necessitated immediate action.

Mr. Agidius asked if all other options had been considered. Mr. Morrill responded that he had looked at every option several times.

It was moved by Mr. Hammond, seconded by Mr. Agidius and carried (7-0) to declare a state of financial exigency on behalf of IPTV, and to approve a resolution authorizing IPTV to implement a reduction in force. (Motion #14)

4) First Reading: Contracts for Nonclassified Employees/Staff Reductions

Mr. Gary Stivers said the new policy would allow greater flexibility in dealing with holdbacks and reduced budgets. He said the policy primarily impacts the agencies, but that discussions are being conducted with the institutions and the School for the Deaf and the Blind to formulate a proposal to be brought forth in April.

It was moved by Mr. Hall and seconded by Mr. Hammond to table the First Reading until the April meeting. The motion was withdrawn. (Motion #16)

It was moved by Mr. Lewis, seconded by Mr. Hall and carried (7-0) to approve for First Reading the changes to Section II, Human Resources, Sections F and N. (Motion #15)

Permanent Exhibit #10

8. Policy, Planning and Governmental Affairs

1) Agenda Summary

See Permanent Exhibit.

2) Progress Reports

a. Idaho Small Business Development Center

Ms. Katie Sewell presented a progress report to the Board.

Mr. Hall expressed several concerns about the program in the Idaho Falls area. He felt many of the problems were being generated out of the Boise office and said he has asked for information, but has not received it. Ms. Sewell said she would look into his concerns.

b. Idaho Council on Economic Education

Mr. Jack Rucker presented a progress report to the Board.

3) Progress Report: Idaho State Historical Society

Mr. Steve Guerber presented a progress report to the Board.

4) Progress Reporting Schedule

The proposed schedule was discussed. It was agreed to switch the report for the University of Idaho, originally scheduled in June, with that of Idaho Public Television, originally scheduled in October. It was agreed by unanimous consent to approve the revised schedule.

5) Presidents' Council Report

Dr. Miles LaRowe reported the Presidents Council met on March 5 and addressed the following topics:

- a. Idaho Falls Higher Education Advisory Council
- b. Idaho Falls Higher Education Agreement

The Provosts and Deans are being asked to revise the agreement to include Idaho State University, the University of Idaho and Eastern Idaho Technical College. When completed, it will be brought to the Board.

- c. Student Health Insurance

The Presidents Council concurs with the policy presented at this meeting.

- d. Student Fee Policy

A policy is being written and will be brought to the Board, probably in October. Mr. Hall asked that students be contacted for input into the policy.

Ms. McGee asked that a statewide teleconference meeting be set up the evening prior to the April meeting for input from students on fees. Dr. LaRowe said he would work with Mr. Stivers in getting it arranged.

- e. Master Plan/Mission Statement

At its annual retreat, the PC will discuss writing a Master Plan, a Mission Statement or both for the Presidents Council.

6) First Reading: Student Health Insurance

Board staff and institution representations were asked by the Board to prepare a draft policy on mandatory health insurance. The draft was presented to the Board for First Reading.

It was moved by Mr. Agidius and seconded by Mr. Hammond to strike the phrase ~~amay~~, at the discretion of each institution@ from the proposed language. The motion was withdrawn. (Motion #17)

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (6-1) to approve for First Reading the change to Section III, Postsecondary Affairs, related to Student Health Insurance. (Motion #18)

Another Open Forum will be provided prior to the Final Reading. Students were invited to speak at that Forum or to submit written comments regarding the policy.

7) Final Reading: ISHS Board of Trustee Appointments

It was moved by Mr. Agidius, seconded by Mr. Hammond and carried (7-0) to approve for Final Reading the change to Section IV, Idaho State Historical Society, Item G.1, which clarifies the appointment process for the ISHS Board of Trustees. (Motion #19)

8) ISHS - Board Appointment

It was moved by Dr. Howard, seconded by Mr. Lewis and carried (7-0) to approve the appointment of Judith Meyer to the Idaho State Historical Society Board of Trustees for a term of six years. (Motion #20)

9) First Reading: ISL Board of Trustee Appointments

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (7-0) to approve for First Reading the change to Section IV, Idaho State Library, Item H.1, which clarifies the appointment process of the Idaho State Library Board. (Motion #21)

10) Legislative Items of Interest

Ms. Randi McDermott said she would bring a legislative update in April.

Permanent Exhibit #s 11, 12 & 13

9. Instruction, Research and Student Affairs

1) Agenda Summary

See Permanent Exhibit.

2) Committee Minutes

Minutes of the December 13, 2001 CAAP meeting were provided.

3) Program Changes Approved by Executive Director
Information on program changes approved by the Executive Director was provided.

4) EPSCoR Review - Battelle Report

Ms. Marianne Clarke of Battelle Technology Partnership, gave a history of the program and reviewed the program structure. She then presented the report to the Board. Ms. Clark reviewed the recommendations:

1. There seems to be a perception that the program is dominated by the University of Idaho, at the expense of Idaho State and Boise State. There doesn't seem to be a set process that is followed whenever proposals are put together for the program. To address the perception, a process should be put in place that ensures the faculty at all three institutions are aware of research opportunities.
2. Options for consideration:
 - a. Lodging responsibility for identifying research opportunities and disseminating information, organizing research teams and providing technical assistance on developing research proposals with a person or organization that is independent of the state's universities.
 - b. Establishing a clear process for soliciting ideas for EPSCoR proposals so people feel they have an opportunity to participate in the program.
 - c. Add one or two out-of-state members to the committee.

- d. Identify core competencies and use that to identify key research areas.
- f. The statewide EPSCoR committee should continue to serve as the oversight committee for all of Idaho=s EPSCoR programs.

Ms. Clarke commented that, overall, Idaho=s EPSCoR program is very well respected, but there are some opportunities to strengthen it.

It was moved by Mr. Agidius, seconded by Mr. Hammond and carried (7-0) to refer the report to the EPSCoR Committee and ask that the Higher Education Research Council (HERC) review the EPSCoR Committee recommendations prior to returning the report to the Board of Education for action. (Motion #29)

5) Intellectual Property - Battelle Report

Ms. Marianne Clarke of Battelle Technology Partnership, reported the results of the study. The study reviewed the issue with the purpose of looking at current practices of intellectual property management in university systems to establish a common baseline of knowledge on how the issue is handled and to identify and analyze industry practices. Study observations were:

- 1. Existing IP policy and procedure at Idaho=s research institutions seems generally consistent with mainstream academic practice in the benchmark set.
- 2. Existing policies at the UI, ISU and BSU ought not prevent them from attracting highly qualified faculty who are also inclined to collaborate with regional industry sponsors and to assist in the creation of Idaho-based start-up companies.
- 3. Revision of policy gives the Board an opportunity to clearly articulate the outcome it desires and to give its institutions the confidence they need to set a tone on campus that allows each institution to play its role in contributing to Idaho=s economic growth.

6) Program Approvals - Notices of Intent

University of Idaho:

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (7-0) to approve the University of Idaho=s request to offer a concurrent JD and Master of Accountancy degree program. (Motion #22)

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (7-0) to approve the University of Idaho=s request to offer a Bachelor of Science in materials Science and Engineering. (Motion #23)

Lewis-Clark State College:

Dr. Dene Thomas advised that an amended request has been submitted which advises that St. Joseph=s Hospital in Lewiston is assisting with the costs of the Radiographic Science program.

It was moved by Mr. Hammond, seconded by Mr. Agidius and carried (7-0) to approve Lewis-Clark State College=s request to establish an Associate of Science in Radiographic Science and a Bachelor of Science/Bachelor of Arts in Computer Science. (Motion #24)

Idaho State University:

It was moved by Mr. Hall, seconded by Mr. Hammond and carried (7-0) to approve Idaho State University=s request to create a Doctorate of Physical Therapy (DPT) as a three-year, post baccalaureate entry to profession degree. (Motion #25)

College of Southern Idaho:

It was moved by Mr. Hammond, seconded by Mr. Stone and carried (7-0) to approve the College of Southern Idaho=s request to establish a new Diagnostic/Imaging Radiography program AAS degree. (Motion #26)

7) Differential Fees Proposal - University of Idaho

Dr. Brian Pitcher said they would like to talk about the issue with students and other individuals, and bring a proposal back at a later date.

Permanent Exhibit #14

10. Executive Session

It was moved by Mr. Hall and seconded by Mr. Hammond to enter into Executive Session per *Idaho Code* 67-2345 (1) to consider hiring a public officer, employee, staff member or individual agent; (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student; (f) to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation. A Roll Call vote was taken:

AYES: Mr. Hammond, Mr. Lewis, Mr. Stone, Dr. Howard, Mr. Hall, Mr. Agidius, Ms. McGee

NAYS: None

ABSTAIN: None

ABSENT: None

- 1) The Board discussed hiring a public employee.
- 2) The Board considered the evaluation of, and complaints brought against, public employees.
- 3) The Board considered and advised its legal counsel regarding litigation.

No decisions were reached.

(Minutes taken by Jane Hochberg)

Open Session (following Executive Session)

It was moved by Mr. Hammond, seconded by Mr. Agidius and carried (7-0) to authorize the University of Idaho to settle with Hoffman Construction. (Motion #28)

11. Good of the Order

1. Board members were asked to provide the Board secretary with a list of commencement/graduation ceremonies they will attend.
- A. It was agreed by consensus that May 15-16, 2002 would be the dates for evaluations and a retreat, and Boise State University would be the location. (The May 15 meeting will begin at 1:00p.m.)

- B. Ms. McGee asked Board members to consider if they need cell phones or other equipment for doing Board business and to submit their requests to the Board secretary.

ADJOURNMENT: March 7 - 5:15 p.m. (Meeting Concluded)

CERTIFICATION:

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

Recording Secretary: Vicki E. Barker