



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

**OFFICIAL MINUTES
STATE BOARD OF EDUCATION MEETING
April 17, 2003
Idaho School for the Deaf and the Blind
Gooding, Idaho**

A regular meeting of the Idaho State Board of Education was held on April 17, 2003 at the Idaho School for the Deaf and the Blind in Gooding, Idaho. The meeting was called to order at 9:00 a.m. President Blake Hall presided. The following members were present:

Blake Hall, President
Rod Lewis, Secretary
Karen McGee
Paul Agidius

Jim Hammond, Vice President
Marilyn Howard, State Superintendent
Milford Terrell
Laird Stone

BOARDWORK

1. Call to Order / Agenda Approval

M/S (Hammond / Lewis): To approve the agenda as written. *Motion carried unanimously.*

2. Rolling Calendar

M/S (Hammond / McGee): To approve April 22-23, 2004 as the date and North Idaho College as the location of the April 2004 regularly scheduled meeting. *Motion carried unanimously.*

3. Minutes Review / Approval

M/S (Hammond / Stone): To approve the minutes of the December 17, 2002 meeting of the State Board of Education as submitted. *The motion carried (Terrell abstained).*

Board member Lewis clarified that the complete record of the meeting, including handouts and recording, will be made available for the management review.

M/S (Hammond / Stone): To approve the minutes of March 6, 2003 meeting as submitted, with the caveat the Mr. McMurray's verbatim statements regarding PPGAC, Item 3, be attached as part of the minutes. *The motion carried unanimously.*

OPEN FORUM

Richard K. Moore, Faculty member at LCSC, discussed the Board's financial exigency policy.

PRESENTATION: EMERGENCY SERVICE TRAINING PROGRESS REPORT

Mike Rush, IDPTE, and Ben Estes, President of Idaho Fire Chiefs Association, reported progress on emergency services training. Board member Hall thanked Mr. Estes for coming forward in December regarding this issue, and thanked Mr. Rush for responding in an aggressive and positive manner.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

1. Idaho School for the Deaf and the Blind Progress Report

Dr. Ramos, Superintendent of the Idaho School for the Deaf and the Blind, provided the progress report to the Board.

Board member Stone inquired as to how the School is furthering opportunities for students to attend the local schools in Gooding. Dr. Ramos reported that they changed the school schedule so it would be the same as the local schools' and have also added evening programs for socializing. He stated he is interested in expanding opportunities in this area further and noted that more interpreters would be needed to make it so. He also noted the need for audiologists in public schools to allow more ISDB students to attend programs in local school districts.

2. Legislative Items of Interest

Staff noted that budget requests are still being considered by the Legislature, but that policy proposals have slowed down, and those that the Board forwarded or supported were almost all successful. Staff also noted the interim activities that need to be focused on for next Legislative session. Board member Hall appointed a Board subcommittee to begin working on the statutorily required report on the effectiveness of charter schools to include Laird Stone (Chair), Karen McGee, Blake Hall, and Marilyn Howard.

3. President's Council Report

Dr. Burke reported that the presidents have been working on a long-term plan for setting student fees, and presented a proposal for a peer selection process to establish peers that will assist in the fee setting process. If the peer selection process is acceptable to the Board, the actual

list of peers will be brought forward in June. A discussion ensued on how peers will be chosen, how the peer lists will be used, and how current fees in Idaho compare to other states.

Dr. Thomas, LCSC, pointed out that the data that will result from the peer lists will be helpful and will help the institutions and the Board make more informed decisions. Board member Lewis agreed that the information would be helpful, but warned against creating an index that is inflexible.

Board member Hammond expressed interest in other sorts of information, including information on whose access is being eliminated when fees are increased by a certain percentage, and conversely, precisely what will be cut if fees are not raised a certain percentage.

President Thomas noted that it would be helpful to have a directive from the Board to continue with the development of peer lists if the Board thinks they would be helpful. It would also help to have the Board direct what percentage of the peer lists can be aspirational.

Board member Hall stated that we are moving toward a system with multiple formulas to inform the Board, with the Board ultimately making the decision on fee increases. He added that since the presidents did not have a recommendation on a percentage of peers that could be aspirational, that they should come back with a proposed list of peers with justification for how it was derived.

BUSINESS AFFAIRS & HUMAN RESOURCES (BAHR)

Section I – Finance

1. Boise State University – Expand Athletics Weight Room Facility

Buster Neel, BSU, explained the worst case scenario debt service and outlined detailed budget costs on the project. He explained this project is important to continue moving the athletic program forward and necessary to continue to compete within their Division.

M/S (Hammond / Terrell): To approve the request by Boise State University to proceed with the \$425,000 expansion of the athletics weight room facility and to obtain financing for this project in an amount not to exceed \$425,000. *The motion carried unanimously.*

2. Idaho State University – ISU Foundation Audit FY 2002

Ken Prolo, ISU, presented the ISU Foundation audit. In response to a question, he explained that the funds that are not restricted are used at times for president's supplemental compensation and other items as deemed desirable by the Foundation.

3. University of Idaho

Trail Easement, UI Taylor Ranch, Valley County

M/S (McGee / Terrell): To approve the request by the University of Idaho to grant an easement to the United States authorizing the U.S. Forest Service to construct, repair, and maintain a non-exclusive easement for trails and bridges across Regents' property at the UI Taylor Ranch in Valley County. *The motion carried unanimously.*

Education and Performance Facility

Laura Hubbard, UI, explained that the expenses related to architectural design have not increased, and that the request is to spend grant funds for the project. A discussion ensued regarding whether this constitutes an increase in the design development. It was explained that the total planning and design was originally budgeted at around \$5 million, and the proposal is to allow expenditure of \$2.9 million for planning and design development.

M/S (Howard / Agidius): To approve the request by the University of Idaho to revise the planning and design work and to increase the planning and design development spending authority to \$2,920,000, pursuant to the existing \$5 million budget for planning and design, for the Education and Performance Facility. *The motion carried unanimously.*

Board member Terrell requested that in the future, detailed budget information be provided to help the Board understand completely the requests before them.

Athletic Conference Affiliation

Dr. Pitcher at UI requested that this item be tabled while conversations with the Board continue. He noted that the criticality of the decision suggests that it should be approached carefully such that all are prepared to support a course of action. He added that the UI will respond promptly to requests for additional information and will be prepared soon to meet and discuss further. Board member Hall stated his appreciation for the cooperation and information that has been submitted thus far from the University.

M/S (Agidius / Stone): To table the request by the University of Idaho to pursue and accept an invitation as an all-sports member of the Sun Belt Conference. *The motion carried unanimously.*

Board members Stone and Hall requested that Board members with questions or requests for additional information on this issue get them to staff by Monday at 5 p.m. such that it is not delayed further.

Employee Health Insurance Program

Laura Hubbard, UI, informed the Board regarding the Request for Proposals process currently underway at UI for its Employee Health Insurance Program.

4. Division of Professional-Technical Education – Allocation of FY2004 Appropriation

M/S (Hammond / Agidius): To delegate to the Executive Director the approval of the allocation of the Professional-Technical Education appropriation for FY 04, which shall be based on the Board approved budget request for FY 04. *The motion carried unanimously.*

5. FY2004 College & University Allocation

M/S (Hammond / Agidius): To delegate to the Executive Director to approve the FY 2004 allocation of the college and universities appropriation for FY 04 to be based on Board policy. *The motion carried unanimously.*

6. FY2004 Community College Allocation

M/S (Hammond / Stone): To delegate to the Executive Director the approval of the allocation of the community college appropriation for FY 04 allocation, to be equally split between the College of Southern Idaho and North Idaho College. *The motion carried unanimously.*

7. FY2004 Student Fee & Tuition Rates

Each institution spoke to their proposed fee increases. Students from each institution presented their positions on fee increases. Jerilynn Meham, ISU, spoke in favor of the proposed fee increases at ISU, but challenged the administration try to find a way to not return with additional fee increases for a period of three years. Jeremy Pearsall, ISU, spoke in favor of a compromise fee increase of 4% at ISU. Jennifer Redford, LCSC, spoke in opposition to the proposed fee increase at LCSC. Mason Fuller, UI, spoke in favor of the fee increases at UI. Chris Mathias, BSU, spoke in favor of the proposed fee increases at BSU. A discussion from Board members ensued regarding the proposed fee increases.

M/S (Lewis / McGee): To approve the fee and tuition rates for FY 2004 for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College as recommended. *The motion carried 5-3 (Hall, Hammond and Stone dissenting).*

8. Idaho Promise Scholarship B Award

M/S (Hammond / Terrell): To approve the recommendation that the amount of the Idaho Promise Scholarship Category B be \$500 per student for those current recipients who maintain eligibility and for qualified first year entering students under the age of 22 in the academic year of 2003-04. *The motion carried unanimously.*

9. Intercollegiate Athletic Report

Mr. Hasselquist explained that the report has been delayed until June.

10. FY2005 Budget Request Process

Mr. Hasselquist asked for guidance or instructions from the Board relative to the FY 2005 budget requests.

M/S (Lewis / Hammond): To instruct institutions to submit an MCO budget request for FY 2005. *The motion carried unanimously.*

Section II - Human Resources

1. Boise State University – New Position, Changes in Positions, Intercollegiate Athletics

M/S (Terrell / Hammond): To approve the request by Boise State University for two new positions, changes in existing positions and to sign an addendum to the Athletic Director's contract as detailed in its Human Resources agenda. *The motion carried unanimously.*

2. Idaho State University – New Position, Non-promotional Increases

M/S (McGee / Lewis): To approve the request by Idaho State University for one new position and one non-promotional increase as detailed in its Human Resources agenda. *The motion carried unanimously.*

3. University of Idaho – Appointments, Non-delegated

M/S (Agidius / Stone): To approve the request by the University of Idaho for a temporary appointment as detailed in its Human Resources agenda. *The motion carried unanimously.*

4. Lewis-Clark State College – New Position

M/S (McGee / Terrell): To approve the request by Lewis-Clark State College to add one position as detailed in its Human Resources agenda. *The motion carried unanimously.*

INSTRUCTION, RESEARCH & STUDENT AFFAIRS

1. Build a Home, Build a Career Presentation

Jim Woodyard, Home Builders Institute, presented information to the Board on the Build a Home, Build a Career project. Board member Lewis requested that a follow up presentation, with more information on implementation in schools, be brought forth at a later time.

2. Final Reading: Section II.N. Financial Exigency

Jonathan Lawson, ISU, mentioned concerns brought forward by faculty during the open forum relative to this policy. He mentioned that CAAP could continue to work on this to try and find a solution to those concerns, or find language today to address them.

Board member Hall noted that the policy was written the way that it was initially because institutions came forward strongly in favor of the shorter time frame to allow maximum flexibility. A discussion ensued regarding whether the measure should be tabled to allow additional work on the policy relative to the timeframe for notice of layoff of tenured faculty.

M/S (Stone / Hammond): To approve the final reading of the Board's Policy Section II.N. Financial Exigency. *The motion carried unanimously.*

3. Final Reading: Section III.Q Admission Standards

M/S (Lewis / Agidius): To approve the final reading of the Board's Policy Section III.Q. Admissions Standards. *The motion carried unanimously.*

4. First Reading: Idaho Student Information Management System Policy

Dr. Thompson explained the policy provides specific direction for oversight to the State Department and Board relative to implementation of ISIMS. He explained the policy is temporary in anticipation of further review and additions through the administrative rules process.

M/S (Howard / Lewis): To approve the first reading of the policy mandating the Idaho Student Information Management System (ISIMS) as distributed. *The motion carried unanimously.*

5. Idaho's MOST Preliminary Recommendations

Board member Hammond presented the preliminary recommendations from the MOST committees relative to teacher licensure/certification; professional development; alternative routes to teacher licensure/certification; and middle level preparation / certification.

Board member Hall reminded the Board that the NCLB Subcommittee was assigned to review the recommendations before the Board's June meeting.

6. Notices of Intent for New Undergraduate Programs

B.S. Virtual Technology and Design – UI

M/S (Lewis / McGee): To approve the University of Idaho's B.S. in Virtual Technology and Design. *The motion carried unanimously.*

M.S. Materials Science Engineering – BSU

M/S (Lewis / Terrell): To approve Boise State University's new M.S. in Materials Science and Engineering without the development of a full proposal. *The motion carried 7-1 (Hall dissented).*

7. Idaho Incentive Technology Grant Funding Recommendations

M/S (Lewis / Terrell): To approve the funding of the projects as exhibited on the FY2004 Idaho Technology Incentive Grant Program Proposals document. *The motion carried unanimously.*

8. HERC Budget

M/S (Lewis / McGee): To approve the FY2004 Budget Allocations as outlined. *The motion carried unanimously.*

9. Assessment & Accountability Update

Board member McGee explained the Assessment & Accountability Commission met recently and will be embarking throughout the state to get comments from educators and others on the draft accountability plan.

Board member McGee noted that prior to July 1, the Board must notify the U.S. Department of Education of the transferal of authority for federal funding to the Board. Board member Hall directed staff to draft this letter.

Board member McGee continued with information from the U.S. Department of Education relative to NCLB requirements. She noted that Adequate Yearly Progress definitions need to be in by May 1. She noted the Board can delegate responsibility, but that the Board will ultimately be accountable to ensure policies are followed. She also noted that criterion referenced proficiency scores are in line with what the U.S. Department of Education expects.

Board member Stone let the Board know there was some concern from Superintendents that the Assessment and Accountability efforts are being broken into two subcommittees. Board member Howard asked that the issue of test security be added to issues considered by the Commission.

Dr. Thompson presented to the Board information on Adequate Yearly Progress (AYP).

10. Executive Director Approvals

Report was provided for information. There was no Board action or discussion.

STATE DEPARTMENT OF EDUCATION (SDE)

A. Federal No Child Left Behind Act (NCLB)

Dr. West explained to the Board that the definitions and procedures to be presented are intended as policy direction from the Board to the State Department of Education as they implement federal regulations relative to the No Child Left Behind Act.

1. Persistently Dangerous Schools

Dr. Tom Farley presented the definition for persistently dangerous schools. He explained that an LEA is a local school agency defined by each state. He also explained that under new unsafe school options, it is required that the state develop a definition of a “persistently dangerous school.” A discussion ensued regarding the purpose of the regulations and the process that would have to take place in order for a school to be classified as persistently dangerous.

M/S (Howard / Stone): To approve the definition of a Persistently Dangerous School. The motion failed on a 4-4 vote (Terrell, Lewis, McGee and Agidius dissented).

It was suggested that more information relative to what other states are doing in this regard should be brought forward, as well as information on district responses to this policy recommendation.

2. Highly Qualified Teachers

Board member Hall asked for unanimous consent to delay consideration of this item until the Board subcommittee that is reviewing the MOST recommendations can also review this. Board member Howard objected to the consent, stating that federal officials will be coming to review plans next week.

M/S (Howard / Agidius): To approve the request by the State Department of Education to adopt as policy the seven criteria for determining highly qualified existing teachers as submitted and found in Attachment 1. The motion carried unanimously.

3. Paraprofessionals

M/S (Howard / Stone): To approve the proposed policy for paraprofessional development submitted by the State Department of Education as described in Attachment 1. The motion carried 7-1 (Terrell dissenting).

4. Adequate Yearly Progress

It was explained that the measures presented are not intended to be combined, but measured separately and used as additional measures on their own. It was explained that each formula stands alone, and two years of inadequacy in any of the areas results in being placed on a school improvement program. A discussion ensued regarding why the formula includes aspects besides performance, and if there is a difference between the formula presented by the State Department and the formula presented earlier by Dr. Thompson.

M/S (Howard / Stone): To approve the request by the State Department of Education to adopt as policy the Idaho Adequate Yearly Progress (AYP) formulas and minimum numbers of students for statistical analysis and public reporting as submitted in Attachment 1 in the SDE agenda materials. No vote was taken.

Substitute Motion: M/S (Agidius / McGee): To adopt the simple federal formula as presented by Dr. Thompson. *The motion carried 6-2 (Howard and Stone dissented).*

$$\emptyset = \left\{ \frac{1 - P}{12 - Y} \right\} * 100$$

\emptyset = coefficient of academic progress

P = academic performance on state achievement tests

Y = NCLB year

B. Letter of Authorization Requests

M/S (Howard / Agidius): To approve the requests for Letters of Authorization as submitted by the Professional Standards Commission. *The motion carried unanimously.*

C. Staff Allowance Waiver for Accreditation

M/S (Howard / Stone): To approve the request by Moscow School District #281 and Shoshone Joint School District #312 for additional administrative staff to meet accreditation standards. *The motion carried unanimously.*

D. Remote and Necessary School Applications

M/S (Howard / Stone): To approve the request by Arbon Elementary School District #383 to be recognized as remote and necessary. *The motion carried unanimously.*

E. Curricular Materials Selections Committee Nominations

M/S (Howard / Stone): To approve the request for four appointments to the Idaho State Curricular Materials Selection Committee as submitted. *The motion carried unanimously. (Kathleen E. Hurley, Marcia Beckman, Norma Jeanne Wellman, George Grant)*

F. Idaho Reading Indicator Report

Marybeth Flachbart, SDE, made a presentation to the Board on the Idaho Reading Indicator.

G. Achievement Standards Implementation Report

The Board postponed this report until the May meeting.

H. Substance Use, Safety, and School Climate Survey

Dr. Tom Farley provided the report to the Board.

I. Superintendent's Report

Board member Howard reported on legislative tour to school districts by SDE, and some of the issues currently being worked on by the State Department of Education, specifically those related to compliance with the No Child Left Behind Act and efforts to support the work of the Idaho Legislature.

ELECTIONS -- BOARD OFFICERS

Board member Lewis stated that we are going through unusual times as a Board. There are tremendous budget deficits and cuts, two presidential positions open, and a management review ongoing, while at the same time, the Board is making progress with strengthening relations with the Legislature and others. He stated that the current leadership of Mr. Hall and Mr. Hammond has been especially successful and that it would be appropriate to maintain the continuity with the current leadership structure.

MS (Lewis / Hammond): For a period of one year, current leadership of Hall and Hammond, as president and vice president, remain in place.

Board President Hall declared the motion out of order and called for nominations from the floor.

Board member Lewis nominated Blake Hall for Board President.

Board member Agidius nominated Jim Hammond for Board President.

Being no further nominations, the vote was taken as follows:

| | |
|----------------|-------------------|
| Terrell – Hall | Howard – Hammond |
| Lewis – Hall | Hall – Hammond |
| Hammond – Hall | Agidius - Hammond |
| McGee – Hall | |
| Stone – Hall | |

The floor was opened for nominations for the office of Vice President and Secretary.

Board member Terrell nominated Jim Hammond for Board Vice President.

MS (Terrell / McGee): To close nominations and support a unanimous ballot for Jim Hammond for Board Vice President. *The motion carried unanimously.*

Board member McGee nominated Rod Lewis for Board Secretary.

MS (Terrell / Stone): To close nominations and support a unanimous ballot for Rod Lewis for Board Secretary. *The motion carried unanimously.*

OTHER / NEW BUSINESS

Board member McGee explained that she had been asked by a charter school in Meridian if the Board was supportive of the concept that children of charter school founders be given first priority in attendance at their respective charter school.

Board member Howard suggested that the question be addressed to the new Board subcommittee on charter schools.

Board member Hall stated that although the Board is not in a position to establish new policy at this meeting, he would be prepared to provide the sense of the Board on this matter. Board member Stone offered his belief that founders who are involved in the development of a charter school should be able to place their own children in the school, which would be consistent with practices that allow teachers to have their children attend the school where they teach. Board member Agidius, McGee, Hall, and Lewis agreed. Board members Hammond and Terrell did not wish to opine. Board member Howard stated that in the absence of further research, she is not comfortable supporting anything other than what the law clearly states.

Board member Hall directed that the issue be resolved through policy changes as necessary through the Charter School Subcommittee.

EXECUTIVE SESSION

M/S (Agidius / Stone): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (d), and (f). *The roll call vote was unanimous.*

In executive session, the Board considered hiring a public officer, employee, staff member or individual agent; considered the evaluation, dismissal or disciplining of, or complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student; considered records that are exempt from public inspection; and considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

The meeting was adjourned at approximately 9:00 p.m.