



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

**DRAFT MINUTES
STATE BOARD OF EDUCATION MEETING
August 14-15, 2003
Eastern Idaho Technical College
Idaho Falls, Idaho**

A regular meeting of the Idaho State Board of Education was held on August 14-15, 2003 at Eastern Idaho Technical College in Idaho Falls, Idaho. The meeting was called to order at 8:00 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. Agenda Approval

M/S (Hammond/Stone): To approve the agenda with one modification: to move Idaho's MOST Transition Plan to the first item for discussion on the IRSA agenda. *Motion carried unanimously.*

2. Rolling Calendar

M/S (Hammond/Howard): To approve August 19-20, 2004 as the date and the College of Southern Idaho as the location of the August 2004 regularly scheduled meeting. *Motion carried unanimously.*

3. Minutes Review / Approval

M/S (Hammond/Agidius): To approve the minutes of the June 26, 2003 and July 16, 2003 meetings of the State Board of Education as submitted. *Motion carried unanimously.*

OPEN FORUM

Jim McFadden, Chairman of the Idaho Falls Advisory Council spoke to the Board about concerns related to policy development for delivery of postsecondary education.

Fred Gunnerson, Chair of EITC Advisory Council, spoke to the Board on the recommendation for a Healthcare Education Building on the EITC Campus as a joint-use facility.

Dean Jones, Administrator of Instruction for the Boise School District, spoke to the Board about the Accountability Plan and the need for local control to develop curriculum.

Russ Heller, Educational Services Supervisor of Boise School District, spoke to the Board about the development of a Social Studies curriculum model in connection with the state achievement standards and encouraged the Board to continue giving support to local districts. Board member McGee encouraged the Boise District to continue sharing their best practices with the smaller districts. Board member Howard commended the Boise District for incorporating multiple disciplines into their middle school curriculum. Board member Hammond expressed concern about students learning citizenship. Mr. Heller said the Social Studies curriculum nurtures those skills throughout and encourages students to be involved in their communities.

Don George, who served on one of Idaho's MOST subcommittees, shared concerns with the Board about the use of the single salary schedule to compensate teachers and the resulting teacher discouragement due to lack of promotions, incentives and rewards. He encouraged the move to skills and knowledge based pay (Cincinnati Model) and a career ladder.

Representative Dennis Lake urged the Board to reject the proposals made by the MOST committee on the teacher licensing policies. He encouraged the move to base-pay and pay-for-performance. He encouraged the Board and the Legislature to work together to move away from the status quo. Board member Terrell asked Representative Lake to remain available for later discussions about the Idaho MOST proposals.

Representative Jack Barraclough spoke to the Board about the failure of Idaho's MOST to deliver on performance-pay as promised during the legislative session. He said the report was without vision. He encouraged the Board to reject the report. Board member Terrell asked Representative Barraclough to also remain for the later discussions on the Idaho's MOST report.

Representative Ann Rydalch spoke to the Board about a number issues including student testing and accountability, the school management process, student fees, consolidation, classroom models, research and development efforts, and encouraged Board support of the Head Start program.

Representative Lee Gagner spoke to the Board about standards in teaching and teacher education. He voiced a concern as to whether knowledge and skills are emphasized enough in the MOST report. Representative Gagner then went on to speak to the Board about the Idaho Digital Virtual Academy and its funding constraints.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

1. Eastern Idaho Technical College Progress Report

Bill Robertson, EITC Interim President, gave the Eastern Idaho Technical College progress report.

2. Boise State University Interim Progress Report

Bob Kustra, BSU President, gave the BSU interim progress report.

3. Presidents' Council Report

Dene Thomas, LCSC President and Chair of the Presidents' Council, gave the Presidents' Council report. She shared the mission of the Presidents' Council and the goals it has for working successfully with the State Board of Education.

4. Proposed Peer Institutions

Board member Terrell asked to have this report held until the next meeting.

5. Healthcare Education Building Placement

Dr. Bowen of ISU and Bill Robertson and Kathleen Nelson of EITC presented points for consideration regarding the placement of the Healthcare Education Building in Southeast Idaho. Steve Cannon of EITC distributed written remarks to the Board for the record.

M/S (Lewis/Terrell): To authorize EITC and ISU officials to enter into a MOU pertaining to the joint use by such institutions of a Healthcare Education Building in Idaho Falls. Further, to approve the location of the Healthcare Education Building as proposed by EITC conditioned upon the execution by EITC and ISU officials of an MOU providing for the joint use of such facility. Motion carried unanimously.

6. First Reading: Governing Policies & Procedures, Section IV.E, Eastern Idaho College

M/S (Terrell/Stone): To approve for first reading the changes to Section IV.E, Eastern Idaho College. Motion carried unanimously.

7. Final Reading: Governing Policies & Procedures, Section I.E, President Emeritus/Emerita Policy

M/S (Terrell/Lewis): To approve final reading of Section I.E.5, President Emeritus/Emerita Designation. Motion carried unanimously.

8. Strategic Plan Approval

M/S (Terrell/Agidius): To approve the strategic plans for the Board governed agencies and institutions as presented. *Motion carried unanimously.*

9. Proposed Rule Change: 08.02.02, Teacher Certification

Board member Hammond provided an historical overview of MOST. He noted that past certification changes recommended by MOST assured teachers coming into the system were qualified to teach. In addition, MOST studied compensation and will present a tiered licensure model to the legislature in 2004. MOST also attempted to make professional development more applicable to what is happening in the classroom.

Board members Hammond and McGee both emphasized their desire and willingness to meet with people throughout the state to discuss concerns about MOST, including those brought forward today.

M/S (Hammond/Lewis): To approve as proposed rules IDAPA 08.02.02 related to recommendations by the Professional Standards Commission (PSC), the State Department of Education (SDE) and the Idaho Division of Professional-Technical Education (IDPTE) as presented. *Motion carried unanimously.*

M/S (Hammond/Stone): To approve as proposed rules 08.02.02.017 (Content, Pedagogy and Performance Assessment for Licensure) and sections 08.02.02.049 through 08.02.02.052 related to Alternative Routes to Licensure as presented. *Motion carried unanimously.*

Item 7 of the IRSA agenda on Idaho's MOST Transition Plan was brought forward to be discussed with other MOST related considerations. It was noted that the Board's Subcommittee on NCLB will work to formulate a transition plan. Board members McGee, Lewis, Howard and Hammond agreed to meet in subcommittee to consider the issues brought forward in discussion and bring back at a future meeting the recommendations for the full Board to consider.

10. Proposed Rule Change: 08.02.03, Accountability

Board member McGee said an in-depth report on accountability and proficiency would occur at the October meeting. It was noted that the proposed rule, in addition to adding a graduation requirement, also provides for an appeal mechanism that allows the local school district to develop alternative assessments for students who are unable to pass the high school ISAT.

Board member Howard expressed concerns about the impact of the test for graduation for the first time in 2005 without a plan in place for remediation or piloting and refining the test.

M (Howard): To change the effective date to 2007. *Motion failed for lack of a second.*

Acknowledging that he shared some of Board member Howard's concerns, Board member Hall suggested the effective date be 2006.

Board member Lewis asked if the effective date could be changed at the November meeting after the report on Assessment. Board staff said yes.

Board member Howard reminded the Board it needs to know the federal implications of this decision in terms of local control and the impact on school improvement. Board member McGee agreed.

M/S (McGee /Hammond): To approve as proposed rules the changes to IDAPA 08.02.03 related to accountability and to have an effective date of 2005. Motion carried: 5 yes; 3 no. Roll Call Vote: Ayes -- Terrell, McGee, Hall, Hammond, Lewis; Nays -- Agidius, Howard, Stone.

M/S (McGee/Hammond): to reconsider the motion. Motion carried unanimously.

M/S (McGee/Agidius): To set the effective graduation date at 2006 and to add that the Board review the local plans for alternative methods of assessment. Motion carried unanimously.

11. Proposed Rule Change: 08.01.08, Miscellaneous Rules.

M/S (Hall/Hammond): To approve as proposed rules the changes to IDAPA 08.01.08 related to alcohol on campus. Motion carried unanimously.

12. Idaho State Library Board Reappointment of Member

M/S (Hammond/McGee): To approve the reappointment of Bruce Noble to the Idaho State Library Board of Trustees for a term of five years, ending on June 30, 2008. Motion carried unanimously.

BUSINESS AFFAIRS & HUMAN RESOURCES (BAHR)

Section I – Finance

1. Boise State University

Request for Approval for New License Plate Design

M/S (Hammond/Terrell): To approve the request by Boise State University for the new Boise State University license plate design. Motion carried unanimously.

Energy Performance Contract

M/S (Hammond/Terrell): To approve the request by Boise State University to proceed with the energy performance contract concept and to pursue financing. Additionally, to finalize a contract through the Division of Public Works once the energy audit is completed and the Board has approved the method of financing. Motion carried unanimously.

2. University of Idaho

Naming/Memorializing Buildings/Facilities

Report of Rooms/Spaces Named by the President of the University of Idaho

This item was provided for information. No action was taken.

3. First Reading: Governing Policies & Procedures, Section V.R, Student Fees

M/S (Hammond/Stone): To approve for first reading changes to Board Governing Policies & Procedures Section V.R. Establishment of Fees related to the time line for setting student fees and the criteria used to set student fees. *Motion carried unanimously.*

4. FY2005 Maintenance of Current Operations (MCO) Operating Budget Requests

M/S (Hammond/Howard): To delegate to the Executive Director the approval of the FY2005 Maintenance of Current Operations budget requests as developed by the State of Idaho Budget Development Manual guidelines and Board policy. *Motion carried unanimously.*

As a point of clarification, the Board staff said the Board members would still have opportunity to review the requests in the same way they did the previous year.

5. FY2005 Enhancement Budget Requests

The Board will convene by phone at a later date to consider enhancement requests. No Board action taken.

6. FY2005 Capital Budget Requests

Board member Hammond stated the need for criteria for prioritizing the institutions' capital budget requests. Board member Hall directed the Presidents' Council to develop proposed criteria for prioritizing capital budget request and bring it back to the board for consideration before the end of Dr. Thomas' term as Chair.

7. Report on Foundations

Board member Hammond noted this discussion was a follow-up to a request made at the last meeting regarding foundations and the audit report. Board member Hall asked for better communication with the Board about irregularities as soon as they become known. The Board agreed to look at this issue again when the new audit is completed (FY03) so that the information they are considering is fresh.

Section II - Human Resources

1. Boise State University Request for New Positions and Changes in Positions.

M/S (Hammond/McGee): To approve the request by Boise State University for two (2) new positions and increases to terms of appointment from 10 months to 12 months and FTE from .5 to 1.0 for one (1) positions as detailed in its Human Resources agenda. Motion carried unanimously.

2. Idaho State University Request for New Positions and changes in Positions.

M/S (Hammond/McGee): To approve the request by Idaho State University for seven (7) new positions and increases to FTE from .5 to .6 for one (1) position as detailed in its Human Resources agenda. Motion carried unanimously.

3. University of Idaho Request for a New Position.

M/S (Hammond/McGee): To approve the request by University of Idaho for one (1) new position as detailed in its Human Resources agenda. Motion carried unanimously.

4. Lewis-Clark State College Request for New Positions.

M/S (Hammond/McGee): To approve the request by Lewis-Clark State College for five (5) new positions as detailed in its Human Resources agenda. Motion carried unanimously.

5. University of Idaho Presidential Search

Board member Hammond reported that the committee has developed a schedule for completing the search and will begin advertising the position in September.

6. University Place Update

President Bowen reported that ISU has been meeting with the UI Foundation to pursue completion of the ISU building plans at University Place in Boise. ISU is willing to commit \$30,000 towards a building design; UI Foundation will also commit to \$30,000. Dr. Bowen asked for the Board's authorization to continue this effort to complete the building plans.

Board member Terrell objected to the UI Foundation committing any money given their current financial obligations. UI Interim President Michael offered to contribute the UI Foundation's portion if necessary. Board member Hammond said he is willing to consider the proposal.

There were no objections to ISU moving forward with the request.

INSTRUCTION, RESEARCH & STUDENT AFFAIRS

1. Higher Education Research Council (HERC) Reappointments

M/S (Lewis/Agidius): To reappoint Gen. Manning and Dr. Bitner respectively for three-year terms, August 2003-August 2006, on the Higher Education Research Council. Motion carried unanimously.

2. Notice of Intent Approval

New Graduate Program: MA, Philosophy, UI

M/S (Lewis/McGee): To approve the University of Idaho's new Master of Arts in Philosophy. *Motion carried unanimously.*

New Undergraduate Program: AS, Nursing at ISU. This item was for information only.

3. Health Professions Taskforce Nursing Articulation Plan

Kathleen Nelson of EITC reported on the plan.

4. Final Reading: Governing Policies & Procedures Section III.Z, Planning and Coordination of Academic Programs and Courses

Board member Lewis reported that the language and the impact of the policy had been reviewed in follow-up to the last appearance of this policy on the Board agenda over six months ago.

Members of CAAP commented on various aspects of the policy expressing support, concerns and recommendations for future consideration. Some of the specific concerns expressed included the challenges and complexities of the processes, the impact on existing programs, and the balance of control.

Board member Lewis agreed the policy is complex and has challenges, but noted the intent of the policy is to assure that local workforce needs are met and the delivery of the statewide mission takes place. He emphasized the need for trust and the determination to work collaboratively. Board member McGee said that defining the missions could alleviate some concerns. Board member Agidius said the policy shouldn't drive the mission.

Board member Hall will meet with the chairs of the subcommittees studying missions and postsecondary delivery policies to clarify the scope of responsibilities so that there isn't duplication of effort.

M/S (Lewis/McGee): To approve the final reading of the Board's Policy Section III.Z, Planning and Coordination of Academic Programs and Courses. *Motion carried unanimously.*

As a point of clarification Board member Lewis said the references to advisory councils along with technical errors would be corrected.

5. Public Charter Schools Subcommittee Report

Board member Stone presented the Public Charter Schools Subcommittee Report. The Board staff will obtain information from all the entities concerned and request that written recommendations be submitted for consideration. Separate from that, there are immediate

concerns related to funding to be addressed at this meeting including Average Daily Attendance, Equity Funding and Federal Funds.

M/S (Stone/McGee): Regarding Average Daily Attendance, to approve that beginning in the 03-04 school year, student attendance hours for a distance based learning program or individualized computer education program be based upon a 24/7 calendar, with the students' documented contact hours to accumulate and carryover up to the maximum number of hours of required instructional time annually for each defined grade category.

The motion was tabled.

Discussion and debate on this motion followed. Board member Howard recommended not passing this motion because it needs more study and consideration. Board member Hammond asked if the Board has the authority to make such policy.

M/S (Stone/Terrell): Regarding Equity Funding, to approve that the Board direct staff to review the impact of the allocation of state and federal funds being administered with the funds following the students and report back at the October meeting. *Motion carried unanimously, but was later reconsidered.*

M/S (Stone/Terrell): Regarding Federal Funding, to approve that the Board direct staff to review the distribution of federal funds to determine if the Public Charter Schools have or have not received their proper allotment of funds and then report to the Board on those findings of this review at the October Board meeting.

Discussion and debate on this motion followed. Board members McGee and Terrell protested delaying a decision on any of these issues beyond this Board meeting because it is unfair to the students.

The Board recessed briefly and then reconvened. Board member Stone acknowledged the concerns expressed. He asked permission to withdraw the motion regarding Federal Funding and for the first motion regarding Average Daily Attendance to be brought back to the table for consideration.

M/S (Stone/Terrell): Regarding Average Daily Attendance, to direct the Board staff to prepare the following written interpretation of IDAPA rule 08.02.01.250 dealing with average daily attendance, student attendance hours for a distance based learning program or individualized computer education program be based upon a 24/7 calendar, with students' documented contact hours to accumulate and carryover up to the maximum number of hours of required instructional time annually for each defined grade category. *Motion carried 7 yes, 1 nay (Howard dissented).*

Board member Stone asked to reconsider earlier action related to Equity Funding. No objection was offered, and Board member Stone offered the following motion in the place of the previous action.

M/S (Stone/McGee): Beginning with the 2003-04 school years, the allocation of both state and federal funds be administered so that funding follows students. Funding will be based

on average district per-pupil budgeted expenditure of the previous year for multi-district public charters and non-resident students. Funds come from the district of student's residence. The SDE will deduct the funds for public charter schools from the allocation to the resident districts and send them directly to the public charter school where the students are enrolled. Public charters may receive additional funding for special needs students if the State and Federal requirements for such funds are fulfilled. This action is intended to be carried out to the extent it is not inconsistent with federal law or our federal consent decree. *Motion carried 7 yes, 1 nay (Howard dissented).*

The item related to Federal Funding was then brought back to the table for discussion.

M/S (Stone/McGee): Regarding Federal Funding, to approve that the Board direct staff to review the distribution of federal funds to determine if the Public Charter Schools have or have not received their proper allotment of funds and then report to the Board on their findings at the October Board meeting. *Motion carried 7 yes, 1 nay (Howard dissented).*

Board member Howard expressed concern about the legalities involved particularly if the Department of Education is asked to set aside other laws to follow these policies. She said that if that were the case it would be impossible for the Department to comply with such policies.

6. Assessment and Accountability Report by Karen McGee

Randy Thompson briefly discussed the purpose of the AYP definition with annual goals and intermediate benchmarks.

M/S (McGee/Hammond): To approve the AYP definition with annual goals and intermediate benchmarks. *Motion carried unanimously.*

EXECUTIVE SESSION

M/S (Hammond/Terrell): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (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 for the day at approximately 9:00 p.m. The Board reconvened on Friday, August 15, 2003 at 8:00 a.m. to continue their Executive Session deliberations.

M/S (Hammond/McGee): To appoint Michael Graham as the Administrator of Vocational Rehabilitation. *Motion carried unanimously.*

M/S (Hammond/Lewis): To authorize Boise State University to acquire, within its allotted budget, real property identified in its master plan and to execute all documents necessary to acquire the property, subject to the review and approval of the Executive Director and legal counsel for the Board, and to utilize its power of eminent domain or condemnation if necessary. *Motion carried unanimously.*

M/S (Hammond/Stone: To authorize the University of Idaho to enter into two settlement agreements as discussed in Executive Session. *Motion carried unanimously.*

CHARTER SCHOOL APPEAL HEARING

Gayle O'Donahue and Leslie Mauldin, parents and members of the governing board of Nampa Charter School II, and Sherry Dodge Attorney representing the Charter II parents appeared before the Board to offer testimony as the complainants concerning the Nampa School Board denial of their second charter petition.

William F. Yost, attorney for the Nampa School Board offered rebuttal testimony as the respondent in the appeal hearing.

Members of the Board asked questions pertaining to the testimony. The Board thanked all parties for their testimony and took the matter under advisement noting that it will issue a decision at a later date.

STATE DEPARTMENT OF EDUCATION (SDE)

A. Courses of Study and End of Course Assessment Aligned to Idaho Achievement Standards

Staff of the Department of Education and invited guests from throughout the state (Carolyn Mauer, Tim Hanna, Leah Bug-Townsend, Cindy Wilson, Cynthia Jenkins, Robbie Sauer, Kevin Collins and Dan Prinzing) reported on the Courses of Study and the End of Course Assessment to Idaho Achievement Standards. The End of Course Assessment was developed in partnership with Idaho teachers. The Department contracted with the Northwest Regional Education Laboratory to conduct the item data analysis for both the field tests and the pilot tests. The End of Course Assessment and the courses of study are now available to schools on CD-ROM. Schools may choose to use the end of course assessments in lieu of developing their own.

The Board thanked the panel for their presentation and commended them for their hard work.

B. Adoption of Curricular Materials

Dan Prinzing discussed the adoption of curricular materials and related instructional materials as recommended by the Curricular Materials Selection Committee.

Board member Lewis asked for clarification about the selection committee process. It was noted that the selection committee included experts and stakeholders as well as specialists.

M/S (Howard/Agidius): To approve the request for adoption of curricular materials and related instructional materials as recommended by the Curricular Materials Selection Committee as submitted. *Motion carried unanimously.*

C. Boise State University Teacher Preparation Program Approval

Dr. Bob West of the Department of Education discussed the BSU Teacher Preparation Program Review Report and recommended that the Board approve the report as recommended by the PSC.

M/S (Howard/Stone): To approve the request by the Professional Standards Commission to accept the state team report as approved by the Professional Standards Commission. *Motion carried unanimously.*

D. University of Idaho Teacher Preparation Review Report for Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) Program

Dr. Bob West of the Department of Education reported to the Board regarding this review report and recommended it be approved.

M/S (Howard/Stone): To approve the state team report approved by the Professional Standards Commission at its June 23-24, 2003 meeting recommending conditional approval of the Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) Program at the University of Idaho. *Motion carried unanimously.*

E. Petition to Transfer Property from Lakeland Joint School District No. 272 to Coeur d'Alene School District No. 271.

Dr. Bob West of the Department of Education reported to the Board about the rationale for this property transfer. He noted that the standards for review have been met.

Mr. Steve Larson spoke in support of this property transfer citing his children's safety as a primary concern.

Board member Howard said it seemed that this transfer would create an anomaly to the district boundaries. Board members Lewis and Agidius agreed there didn't seem a compelling reason to transfer the property.

M/S (Howard/Stone): To disapprove the hearing officer's recommendation to approve the petition to transfer property from Lakeland Joint School District No. 272 to Coeur d'Alene School District No. 271. *Motion carried 7 yes, 1 nay (McGee dissented).*

F. Superintendent's Report

Superintendent Howard discussed the need to prepare, hire and retain excellent teachers for Idaho's classrooms. She encouraged the Board to be a positive voice for public education. She

agreed there is a need for qualified and well-trained leaders in the public schools. She reported the completion of the first Math Academy for Middle Schools and an Art in the Classroom conference.

Board member Hall thanked the educators and parents who had participated in the August Board meeting and recognized the Board members as well. He said that the dedication and hard work of everyone assured a higher level of education in Idaho.

EXECUTIVE SESSION

M/S (Hammond/Terrell): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (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 1:00 p.m.