



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

**APPROVED MINUTES
STATE BOARD OF EDUCATION MEETING
October 2-3, 2003
Lewis- Clark State College, Williams Conference Center
Lewiston, Idaho**

A regular meeting of the Idaho State Board of Education was held on October 2-3, 2003 at Lewis-Clark State College, Williams Conference Center, in Lewiston, Idaho. The meeting was called to order at 10:00 a.m. President Blake Hall presided. The following members were present:

Blake Hall, President	Jim Hammond, Vice President
Rod Lewis, Secretary	Marilyn Howard, State Superintendent
Milford Terrell	Paul Agidius
Laird Stone	Karen McGee (joined the meeting by phone)

BOARDWORK

1. Agenda Approval

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

2. Rolling Calendar

M/S (Stone/Hammond): To approve October 14-15, 2004 as the date and Lewis-Clark State College as the location of the October 2004 regularly scheduled meeting. Motion carried unanimously.

3. Minutes Review / Approval

M/S (Stone/Agidius): To approve the minutes of the August 14-15, 2003 as amended meeting of the State Board of Education as submitted. Motion carried unanimously.

Board member Stone asked that the minutes be amended (page 9-10) on the motion pertaining to the allocation of federal funds so that the last sentence of the motion would be modified to read: "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.” Board member Stone said that this change clarifies the original intent of the motion.

OPEN FORUM

Eddie Hanks, Student Body President of Idaho State University spoke to the Board about the view of the ISU student body on fee increases for fiscal year 2004-2005. Board member Hall thanked Mr. Hanks and said the Board would take his recommendation under consideration.

Jane Lesko of Grangeville expressed her concern to the Board regarding the new federal curriculum, and specifically her views of the book We the People: The Citizen and the Constitution. She asked the SBOE to remove this book from the approved reading list for K-12.

EXECUTIVE SESSION

M/S (Hammond/Lewis): To enter into executive session pursuant to Idaho Code Section 67-2345(1) (a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office; (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 (d) to consider records that are exempt by law from public inspection (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. Motion carried unanimously.

M/S (Hammond/Stone): To authorize the Executive Director to provide for a hearing officer to hear the case of Angel Ramos and provide findings of fact and conclusion of law to this Board. Motion carried unanimously.

CHARTER SCHOOL APPEAL – NAMPA II CHARTER SCHOOL

Board member Hall opened the floor for discussion and debate of the Nampa II Charter School Appeal. *The full written transcript of the Nampa II Charter School Appeal Discussion is incorporated by reference into these minutes.*

M/S (Terrell/ McGee): In finding that the board of trustees acted in an arbitrary manner when they made the decision to deny the Nampa Charter School II petition the Board of Education overturns that decision and votes in favor of the appeal to approve Nampa Charter II. Motion carried 5 ayes and 3 nays (A roll call vote was taken: Ayes – Lewis, Terrell, Hall, Hammond, McGee; Nays – Stone, Agidius, Howard.)

M/S (Lewis/Terrell): To approve the Final Order of the Idaho State Board of Education in the Matter of the petition of the Nampa Charter School II versus Nampa School District No. 131. Motion carried 4 to 3 (A roll call vote was taken: Ayes--Lewis, Terrell, Hall and Hammond; Nays -- Stone, Agidius, Howard.)

ACCOUNTABILITY REPORT

Karen Vauk and Carissa Miller presented the Accountability Report. They noted that nearly 50% of the states are moving towards exiting exams. Hispanics and students with disabilities have a higher rate of failure on the first attempt. Those are the concerns most often expressed at public hearings. There is conflicting evidence as to whether exiting exams are causing students to drop out. Many states offer alternatives to those at increased risk of failure. The Board will need to consider if there should be a waiver for any group and how those waivers would work.

Board member Hall asked if the Accountability Committee had any recommendations regarding waivers or exemptions for special education or limited English proficient students. Ms. Vauk said there was no formal recommendation at this time. Board member Hall said the commission should evaluate the benefits and pitfalls in what other states have done to help this Board to decide what might work best for Idaho.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS – Milford Terrell

1. Lewis-Clark State College Progress Report – Dene Thomas

Dr. Thomas, President of Lewis Clark State College, gave the LCSC progress report. ASB President Justin Coleman spoke to the Board about student issues, activities and recognitions at LCSC.

2. Presidents' Council Report – Dene Thomas

At the last Presidents' Council there was discussion about the change of schedule for student fee hearings. There will be a full report in January that includes input by the students and faculty on this issue. The Presidents also discussed capital projects. These are the short-term issues.

Long-term, the Presidents are developing a strategic plan and giving attention to access, quality (including salary competitiveness) and a financial report including full context and content. A full report on access will be provided at the next meeting of the Board.

3. Temporary Waiver of IDAPA 08.02.03.11.06.n

Board member Howard asked if tests taken in the fall or the middle of the year will be level tests or something different. It was noted that the tests will be level tests and only for students after the 10th grade year.

Board member Hammond asked why this is being done temporarily. It is because new Board rules will address the problem permanently.

M/S (Terrell/Agidius): To approve a temporary waiver of IDAPA 08.02.03.11.06.n for all public school districts that would expire June 30, 2004. Motion carried unanimously.

4. Final Reading: Section IV.E. Eastern Idaho Technical College

Board member Howard noted a sentence on page 24 under 1.b where the words “professional-technical education” is being struck and wondered if it was correct. She also referred to page 26 and asked if the words “professional-technical education” should also be removed to make it consistent with page 24.

Based on discussion, Board member Hall recommended making the following modifications to the proposed policy under I.2.e the words “state board for professional-technical education” will be struck.

M/S (Terrell/Hammond): To approve for final reading changes to Section IV.E. Eastern Idaho Technical College as modified. *Motion carried unanimously.*

5. First Reading: Section I.J. Institutional Facilities and Services

Board member Lewis asked for clarification regarding the appropriate timing for considering a waiver because the rule related to this policy hasn’t been approved by the Legislature yet. He also questioned whether the Board had been given enough time to study the language of this proposed policy prior to this meeting. He recommended postponing a vote on this policy until a later time.

Board member Stone said that on page 28 under 2.a, the wording needs to be consistent with Idaho law and asked that Board staff make sure it does before the proposed policy is brought back before the Board.

M/S (Lewis/Agidius): To table this item until a later date when it will be called from the table upon the majority vote of the Board. *Motion to table carried unanimously.*

6. ISHS Proposed Legislation

Mr. Steve Guerber of the Idaho State Historical Society spoke to the Board about proposed legislation it wishes to submit to the Legislature regarding efforts to preserve historical and cultural sites in Idaho.

Board member Lewis said the timing, economically, is not good for this. Mr. Guerber said the purpose of this proposal is to make sure there is at least a beginning point for addressing the need and make it possible to have further discussion.

M/S (Terrell/Agidius): To support the Idaho State Historical Preservation and Cultural Enhancement Act. *Motion withdrawn.*

Board member Hall said the tax policy needs to be left to the Legislature so he can’t vote to support the legislation. If the motion is to approve taking this proposal to the Legislature, that is a different thing. At this time the first motion was withdrawn and a substitute motion was made.

M/S (Terrell/Agidius): To grant the Idaho State Historical Society the authority to approach the Legislature with the proposed Idaho State Historic Preservation and Cultural Enhancement Act legislation. Motion carried unanimously.

BUSINESS AFFAIRS & HUMAN RESOURCES – Jim Hammond

Section I – Finance

1. Boise State University

Plan and design Multi-purpose Classroom Bldg Phase II

Buster Neal gave a presentation on a plan that BSU has developed to address needs on the campus using existing resources to keep up with unprecedented student growth. The institution wants approval to move ahead with planning and design done internally. The intent is to come back with a firm financing plan in December.

Board member Hall asked how much the planning will cost. Mr. Neal said the cost will be minimal and that there will not be architectural renderings.

M/S (Hammond/Terrell): To approve the request by Boise State University to proceed with the internal planning and a financial plan of the second phase of the multi-purpose classroom building. Approval to construct will be addressed after presentation of a financing plan. Motion carried unanimously.

Plan and design New Student Services Center

M/S Hammond/Terrell): To approve the request by Boise State University to proceed with the internal planning and a financial plan of the construction of a student services center. Approval to construct will be addressed after presentation of a financing plan. Motion carried unanimously.

Plan and design Bronco Stadium Capital Projects

M/S (Hammond/ Terrell): To approve the requisition by BSU to proceed with the internal planning and a financial plan for capital projects in Bronco Stadium. Motion carried unanimously.

Plan and design Environmental Science & Policy Center

M/S (Hammond/Agidius): To approve the expenditure of \$450,000 in federal funds as requested by BSU to proceed with the planning and design of an Environmental Science and Policy Center. Motion carried unanimously.

Naming/Memorializing “Fedrizzi Fitness Center Annex”

M/S (Hammond/Stone): To approve the request by Boise State University to name the west facing side of the weight room expansion area the “Fedrizzi Fitness Center Annex.” *Motion carried unanimously.*

2. University of Idaho

Vandal Athletic Center (ASUI Kibbie Activity Center completion)/Commercial loan with Wells Fargo Brokerage Services

There was discussion about why the original project is 20% over what was originally approved and why the Board wasn’t notified about the situation sooner. U of I representatives said the project was done in phases and the scope of the project changed.

Board member Hammond asked for clarification as to whether the \$5.7 million that was originally authorized included the equipment that now needs to be purchased. Board member Hall said the project appears to have changed to something bigger than was originally requested.

Board member Lewis expressed concerns about how future deficits will be taken care of.

M/S (Hammond/Agidius): To approve a request by the University of Idaho to increase the project budget for the Vandal Athletic Center by \$1,000,000 and to enter into tax-exempt financing with Wells Fargo Brokerage Services in an amount not to exceed \$675,000. *Motion carried 5 to 2 (Hall and Lewis dissented).*

M/S (Hammond/Stone): To approve a resolution of the Regents of the University of Idaho allowing the U of I to consummate a \$675,000 loan from Wells Fargo Brokerage Service LLC. A roll call vote was taken. *Motion carried unanimously.*

Facilities Lease Extension with MK Plaza in Boise

M/S (Hammond/Stone): To approve the request by the University of Idaho to extend portions of the existing lease at the MK Plaza in Boise through June 2005 by entering into the “Eleventh Amendment to Office Space” between MK Plaza Trust and the Regents of the University of Idaho. *Motion carried unanimously.*

University of Idaho Voluntary Separation and Retirement Opportunities Program

Discussion only; no Board action required.

3. Request to Carry Forward Authorized Unspent Funds

M/S (Hammond/Stone): To approve the requests from the institutions and agencies to carry over authorized but unspent funds from FY2003 to FY2004. *Motion carried unanimously.*

4. Final Reading: Governing Policies & Procedures, Section V.R. Student Fees

M/S (Hammond/Stone): To approve the final reading of changes to Idaho State Board of Education Governing Policies and Procedures Section V.R. Establishment of Fees to change the time line for setting student fees and to change the criteria used to set student fees as displayed in the exhibit. *Motion carried unanimously.*

5. FY2005 MCO Operating Budget Requests, Update

Discussion only; no Board action required.

6. FY2005 Enhancement Budget Requests – Update, Historical Society

Mr. Steve Guerber updated the Board about enhancement requests by the Idaho State Historical Society which include Lewis & Clark Commemoration Support, Historic Records Preservation and the Preservation and Conservation of Historic Properties of the State (Restoring and Maintaining Historical Buildings). He said these requests should be considered critical.

M/S (Hammond/Agidius): To approve the enhancement requests by the Idaho State Historical Society for the 2005 budget year. *Motion carried unanimously.*

7. FY2005 Capital Budget Request

Mr. Steve Guerber spoke to the Board regarding the Idaho History Center, the Museum Center, the Old Penitentiary Visitor Access and the New Cell House building projects. As a point of clarification, the Idaho History Center will require \$4.5 million to complete.

Board member Hammond noted that the Permanent Building Fund only has limited funds and recommended a motion to authorize only the project of highest priority which would be phase II of the Idaho History Center.

Board member Lewis expressed concern that in approving any of these projects a wrong message might be sent. It was noted that phase II of the Idaho History Center project was held over from the previous year's request. Board member Lewis indicated concern about the serial method of reviewing building projects for all agencies and institutions under the Board.

M/S (Hammond/Stone): To give the Idaho Historical Society authority to move forward with the building request of the Idaho History Center phase II for the FY05 request. *Motion carried unanimously.*

8. FY2004 College and Universities Summary of Sources and Uses of Funds

Discussion only; no Board action required.

9. University of Idaho Foundation Note Interest Rate

M/S (Hammond/Agidius): To amend the Board of Regent's agreement for the extension of the obligation of the University of Idaho Foundation to the Board in the amount of \$2,030,198.17 to reflect an interest rather of 1% per annum rather than the previously referenced federal prime rate. *Motion carried unanimously.*

Section II – Human Resources

1. Boise State University

A request by Boise State University for new positions and changes in positions

M/S (Hammond/Terrell): To approve the request by Boise State University for five (5) new positions, increases in terms of appointment for two (2) positions, and an increase in FTE for one (1) position as detailed in its Human Resources agenda. *Motion carried unanimously.*

2. Idaho State University

A request by Idaho State University for new positions

M/S (Hammond/Terrell) : To approve the request by Idaho State University for four (4) new positions as detailed in its Human resources agenda. *Motion carried unanimously.*

3. University of Idaho

A request by University of Idaho for a non-delegated appointment

M/S (Hammond/Terrell): To approve the request by the University of Idaho to appoint William Cone as Psychiatrist at a salary equal to or greater than 75% of the president's base salary as detailed in its Human resources agenda. *Motion carried unanimously.*

4. Lewis-Clark State College

A request by Lewis-Clark State College for new positions

M/S (Hammond/Terrell): To approve the request by Lewis-Clark State College for three (3) new positions as detailed in its Human Resources agenda. *Motion carried unanimously.*

INSTRUCTION, RESEARCH & STUDENT AFFAIRS – Rod Lewis

1. New Program Approval

New Graduate Program–Au.D., Audiology -- ISU

M/S (Lewis/Hammond): To approve Idaho State University's new doctoral program in audiology. *Motion carried unanimously.*

New AAS Degree Program -- Wildland Firefighting -- BSU

M/S (Lewis/Hall): To approve Boise State University's AAS degree in Wildland Firefighting. *Motion carried unanimously.*

2. Accountability Report

Mr. Randy Thompson spoke to the Board about the Accountability Plan and the targets for Graduation Rate and the Other Academic Indicator. He recommended the Board approve a graduation rate target of 90% by the 2013 school year. He noted that this target rate can be adjusted over time.

M/S (Lewis/Terrell): To approve increasing the graduation rate target to 90%. *Motion carried unanimously.*

3. ISAT Process

Mr. Randy Thompson discussed the alignment study conducted by the NW Regional Education Lab. He noted that the report serves as an analysis guide for improving the balance of items and leads to the construction of new test items. A new alignment study will be conducted with a more appropriate model.

Board member Howard suggested having this test be used for the No Child Left Behind federal compliance while understanding that there are high levels that we want to teach to.

No Board action taken at this time.

3. Federal Funds Review

Mr. Randy Thompson provided a progress report to Board about motions related to federal funds which were passed at the previous meeting. He said that staff had been directed to ensure that these funds were being distributed in such a way that is equitable to schools and consistent with federal regulations and guidelines.

Board member Howard expressed concerns about various accountability issues. Board member Stone said the motions passed at previous meetings did not take away authority from the local school boards to ask questions regarding accountability for all academies and charter schools.

Board member Hall instructed Board staff to move forward with the distribution of the funds as charged by the resolutions because the majority of the Board voted to pass the motion.

No Board action required.

4. American Board Certification for Teaching Excellence

Randy Thompson spoke to the Board about the teacher certification noting that certification by the American Board would allow professionals in our state to move into the teaching ranks by an alternate route.

Board member Howard noted that MOST studied the various methods for people to move into the teaching profession. She recommended the American Board be one of the methods available in Idaho.

Action on this item is deferred to the next meeting.

EXECUTIVE SESSION

M/S (Lewis/Agidius) That the Board enter into executive session pursuant to Idaho Code Section 67-2345(1) (a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office; (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 (d) to consider records that are exempt by law from public inspection (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. Motion carried unanimously.

DEPARTMENT OF EDUCATION – Marilyn Howard

A. Final Order of Petition to Transfer Property from Lakeland School District and Coeur d'Alene School District.

Dr. Bob West explained that this is the written order of the previous action taken by the Board to disapprove the petition and recommended Board approval.

M/S (Howard/Terrell): To approve the final order disapproving the petition to excise property from the Lakeland School District to transfer into the Coeur d'Alene School District. Motion carried unanimously.

B. Pending Transportation Rule, Reimbursement Matrix

Department of Education staff recommends approval of this pending rule.

M/S (Howard/Agidius): To approve a pending rule (Docket No. 08-0202-0301) for publication in the November 5, 2003 Administrative Bulletin. Motion carried unanimously.

The next item goes along with the pending rule process above and the Department of Education staff recommends approval of this action.

Board member Terrell expressed concern about specific ways to assure no child will be left behind on the bus. It was noted that this is a national issue and is a method is being unveiled as

standard equipment. While this issue isn't addressed in this document, Department staff will keep him updated on the progress of this issue.

Board member Hall asked if there is a process to spec buses for statewide bid and the response was affirmative. It was recommended that the Department opt to have a number of basic buses bid.

M/S (Howard/Terrell): To approve a rule by reference, i.e., the Standards for Idaho School Buses and Operations – October 3, 2003. Motion carried unanimously.

M/S (Howard/Terrell): To approve a pupil transportation reimbursement matrix to be posted on the Department's website. Motion carried unanimously.

C. Safety Busing Reimbursement

There was discussion about safety busing and estimated costs. It was noted that the Board did not approve reimbursement for costs associated with transporting students less than one and one-half miles for FY 2003 at the June 2003 meeting. Statute requires that this action come before the Board which is why it is being brought forward at this meeting for reconsideration.

Department of Education staff reported that the total amount for reimbursing the 97 school districts that have applied for safety-busing reimbursement will be approximately \$200,000 which is less than the estimated one million dollars. Reimbursable costs are based on mileage.

M/S (Howard/Hammond): To approve safety busing reimbursement requests for fiscal year 2003. Motion carried unanimously.

D. Request for Letters of Authorization

Dr. Bob West noted that these Letters of Authorization have been approved by the Professional Standards Commission. Final approval by the Board is recommended.

Board member Hall expressed concern regarding waivers for several people and asked for clarification. Dr. West responded that the PSC conducted a thorough review of each candidate before coming to the conclusion that a waiver, in each case, was appropriate. Board member Hall asked the Department to take precautions to be sure there is blanket approval by the PSC.

M/S (Howard/Terrell): To approve the requests for Letters of Authorization as recommended by the Professional Standards Commission. Motion carried unanimously.

E. Annual Report – Hardship for Albion Elementary School

It was noted that conditions supporting the October 1999 decision to approve the Albion Elementary School as a Hardship Elementary School have not changed. Therefore, the Department of Education recommends that the Board does not rescind the hardship status of Albion Elementary School in Cassia County District #151.

The Board took no action to rescind the hardship status for Albion Elementary School.

F. Schools Requesting to Operate with Fewer Than 10 Pupils – Report

Dr. Marilyn Howard approved all of the requests to operate an elementary school during the 2003-2004 school year with less than ten (10) pupils in average daily attendance.

No action required by the Board.

G. Public schools FY05 Budget

Mr. Tim Hill of the Department of Education presented a description of the budget. Dr. Marilyn Howard then remarked on several items and Jeff Shinn went over the Division of Financial Management format of the budget.

Board member Lewis asked for itemized detail before the Board is asked for approval. Board member Terrell asked for a meeting with Tim Hill for some additional discussion.

No Board action required.

Superintendent's Report

Dr. Howard expressed concerns about several Board actions. First, the shift of the Title II federally funded position from the Department of Education to the Board Office without prior notification to the Department and despite assurances given to the Legislature. Also the Northwest Evaluation Association (NWEA) contract was signed without allowing comment from the Department of Education. In addition, the OSBE budget shows five positions will be filled with federal dollars shifted from the Department of Education.

Board member Hall clarified that the shift of the federal funds in question went hand-in-hand with the recognition that the Board is designated by law to have authority over the federal funds in question. Shifting those funds back under the control of the State Board assures that the Board is in compliance with the law. He noted that to administer those funds, the Board will need to have additional staff.

Board member Hall said that the Board desires to work with all agencies and entities to achieve the highest level of education for the students of Idaho. He thanked the members of the Board for their commitment to that goal.

There being no further business, the meeting was adjourned at 12:30 p.m. on October 3, 2003.