



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
December 4-5, 2003
Idaho State University
Salmon River Suite, Student Union Building
Pocatello, Idaho**

A regular meeting of the Idaho State Board of Education was held on December 4-5, 2003 at Idaho State University Student Union Building in Pocatello, Idaho. The meeting was called to order at 8:20 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 (joining by phone)
Milford Terrell
Laird Stone

BOARDWORK

1. Agenda Approval

Board member Terrell asked that an item be added under Other Business having to do with the University of Idaho College of Arts and Architecture.

M/S (Hammond/Terrell): To approve the agenda as modified. Motion carried 7-0 (Howard absent).

2. Rolling Calendar

M/S (Hammond/Lewis): To approve January 26-27, 2004 as the dates and the Gold Room at the Statehouse and Boise State University as the locations for the January 2004 regularly scheduled Board meeting. Motion carried 7-0 (Howard absent).

M/S (Hammond/Lewis): To change the dates of the regularly scheduled August 2004 meeting from August 19-20, 2004 to August 12-13, 2004, with the College of Southern Idaho remaining the location for the August 2004 Board meeting. Motion carried 7-0 (Howard absent).

M/S (Hammond/Lewis): To approve December 2-3, 2004 as the dates and Idaho State University as the location for the December 2004 regularly scheduled Board meeting.
Motion carried 7-0 (Howard absent).

3. Minutes Review/Approval

It was noted that Marilyn Howard was not present for the vote on item two of the November minutes so the minutes of that meeting will be amended to reflect her absence. There being no objections it was so ordered by the Board President.

Regarding the October Board meeting minutes, Board member Lewis asked the about itemizing specific points that were made by the Board during the discussion regarding the Nampa II Charter School appeal.

By unanimous consent, it was agreed to strike the summarized discussion in the October meeting minutes having to do with the Nampa II Charter School decision and insert the notation to “incorporate by reference the written transcript of that agenda item discussion.”

M/S (Hammond/Lewis): To approve the minutes of the October 2-3, 2003 meeting as amended. *Motion carried 7-0 (Howard absent).*

M/S (Howard/Lewis): To approve the minutes of the November 4, 2003 meeting as amended. *Motion carried 7-0 (Howard absent).*

OPEN FORUM

No comments were received from the audience.

DEPARTMENT OF EDUCATION – Marilyn Howard

1. Processing of Requests for Letters of Authorization

Larry Norton from the State Department of Education spoke about the Professional Standards Commission process for reviewing and forwarding recommendations for Letters of Authorization to the Board. He said nothing in rule gives a finite period of time in regards to the number of times that a letter of authorization can be issued. He noted it has not been the position of the PSC to question the opinion of the local districts when they feel it is necessary to issue letters of authorization to meet immediate local needs.

Mr. Hammond asked if the application form could be revised to include a place for the district to describe the effort that was made to fill the position prior to requesting a letter of authorization. Mr. Norton said an earlier form did have an assurance page for that kind of information and that he had no problem going back to that form.

By unanimous consent the Board President directed the Board staff to work with staff of the SDE to examine this issue and bring a report back to the Board.

2. Letter of Authorization Requests

M/S (Hammond/Stone): To approve requests for Letters of Authorization as submitted by the Professional Standards Commission. *Motion carried 7-0 (Howard absent).*

3. Praxis II Qualifying Scores, Professional Standards Commission

Randy Thompson discussed the criteria for setting qualifying scores for required Praxis II content/pedagogy and performance assessments. He referred to data he provided to the Board. He discussed the difference in using the standard deviation method versus the 70% method to arrive at qualifying scores.

Board member Hall said the recommendation from the PSC is to approve the standard deviation method of arriving at qualifying scores. Board member McGee suggested that if this is adopted the Board agrees to review it again in a year.

M/S (Hammond/ Lewis): To approve the request by the Professional Standards Commission to approve the qualifying scores for required Praxis II assessments, based on the mean of the national data from 2002-2003 minus one standard deviation. Candidates will be held accountable for meeting or exceeding the Praxis II qualifying scores on assessments taken from September 1, 2004, forward. Also to direct Board staff to review the methodology in one year and to set the date of September 1, 2004 for candidates to meet the new levels. *Motion carried 7-0 (Howard abstained).*

4. Superintendent's Report

Board member Howard reported that data workshops had been conducted across the state by Mary Ann Ranells.

Board member Terrell noted that he had attended the Milken Awards presentations and thanked Dr. Howard for her invitation. He and Board member Hall both congratulated the recipients of this year's award.

Board member Hall read a letter from the U.S. Department of Education Office of Elementary and Secondary Education regarding Idaho's July 1, 2003 grant award for Title I, Part A funds which included conditions for baseline student achievement data. The letter stated that "Idaho has submitted the data outlined above and has met all the requirements of the May 1, 2003 Consolidated State Application." He congratulated the Board Office and the SDE staffs for their efforts in making this possible.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS – Milford Terrell

1. Idaho State University Progress Report

President Bowen reported on the status of various projects, activities and programs at Idaho State University. There was discussion about the Center for Science and Technology. Dr. Bowen said he would like to have an opportunity at the January Board meeting to present specific details on the plans that have been developed. Board member Terrell asked for that presentation to take place on January 27. Board member Lewis asked for information to be shared in the interim by ISU with the staff of the Board. Dr. Bowen agreed.

By unanimous consent, the Board agreed to have Dr. Bowen make a presentation on January 27 detailing the specific plans that have been developed and that in the interim ISU will work with the staff of the Board office to assure that information has been provided and brought to the attention of the Board members as appropriate.

2. Presidents' Council Report

Dr. Dene Thomas reported on access to education noting that it is the first of several issues that the President's Council will be studying in regards to the Board's strategic plan. She discussed trends in access including enrollment numbers, cost, program availability, etc., throughout the nation. She reiterated that the data she presented demonstrates what is happening, but not the causes.

Board member Terrell said the Board needs make more effort to encourage students to go into the trades instead of putting all of the focus on academics. He noted that there are many career opportunities in the trades and asked why apprenticeships aren't considered education. He said this was an important part of the whole picture and Dr. Thomas agreed that it would be good to explore the certificate areas as well.

Board member Lewis commended the Presidents' Council for their report. He encouraged them to be more expansive in their thinking by looking at commonalities, cultural issues, employment opportunities, etc., that would help the Board better understand the issues.

Dr. Thomas thanked the Board and agreed to work together to resolve the critical issues.

EITC/ISU Health Sciences Building

Board member Hall referred to a letter from Representative McGeachin who took issue with the decision for EITC and ISU share the Health Sciences Building. In her letter, she asked the Board to reconsider the decision. Board member McGee said that considerable thought had gone into the decision and noted that the Board had made a point early on that the building would be a shared facility. Board member McGee recommended not reconsidering the decision and no motion to reconsider was forthcoming.

Regarding the shared Health Sciences Building, Interim President Robertson of EITC said the work on the MOU between EITC and ISU was ongoing. A final draft is not ready at this time since there are still details that need to be resolved. He said the biggest issue has to do with ownership and management of the building, but EITC and ISU are working towards consensus as far as the design of the building as well.

Board member Hall thanked EITC and ISU for their commitment to resolving the issues. He said the Board would help if need be to assure that deadlines are met. Dr. Bowen thanked the Board and also the Board's Executive Director for assisting EITC and ISU in their discussions.

Board member McGee suggested that the presidents of both EITC and ISU respond to Representative McGeachin directly to assure her that they were both in agreement to sharing the facility. President Robertson and President Bowen agreed.

3. First Reading: I.J. Use of Institutional Facilities and Services

Kevin Satterlee of BSU, speaking on behalf of a working group of representatives from the universities and the Board staff, discussed the waivers to alcohol prohibition on campus as stated in the proposed policy. Board member Agidius asked about mixed messages being sent to students about being able to consume alcohol within living quarters.

M/S (Terrell/McGee): To approve for first reading the revisions to Section I. J. Use of Institutional Facilities and Services related to alcohol on campus. *This motion was replaced by a substitute motion.*

Board member Stone asked what the sanctions are if the policies are breached. Mr. Satterlee responded that sanctions for alcohol violations are in place already but haven't been incorporated into this section. He reviewed those sanctions for the Board.

When asked about a possible need for further definition to assist the presidents in defining when alcohol is appropriate to an event Mr. Satterlee said that the group he represented did not feel qualified to provide that kind of definition.

Board member Lewis expressed similar concerns about mixed messages and unclear definitions for institutional presidents. He recommended that the Board take a closer look at this policy.

Substitute Motion by Lewis/seconded by Agidius: To table this policy and assign specific persons to work with Mr. Satterlee prior to bringing it back to the Board for consideration. *Motion carried 6-2 (Nays: Terrell and Hammond).*

Board member Hall appointed Rod Lewis (as Chair), Milford Terrell, the Presidents' Council and university attorneys to study this policy and determine what needs to be done to assure it is clear and leaves nothing to question.

There was unanimous consent at this point to reverse the order of the next two agenda items.

4. Legislative Items of Interest

POW-MIA Scholarship, Idaho Code §33-4302

Randy Thompson of the Board Office said there are three areas where changes in the statute are being recommended regarding POW-MIA Scholarships to clarify the qualifying criteria and provisions. The first is to define “child,” the second is to set a time limit within which the benefit could be used and the third is identifying the person or entity that will be responsible for verification of eligibility.

M/S (Terrell/Hammond): To direct staff to draft changes to the statute for the POW-MIA Scholarship, Idaho Code §33-4302, as presented. Motion carried 7-0 (Howard absent).

Board member Hall reported that Representative Bedke had expressed concern about the way that school bus ridership is being counted for the purpose of receiving reimbursement from the state. As an example Representative Bedke said one district had skewed the count by using promotions to increase ridership on the dates when the count was being taken. He asked the Board to take action.

Board member Hammond asked about arriving at an average over a given period of time rather than on specific dates. Mary Ann Ranells said the transportation manual dictates what the districts are able to do in counting ridership so that if the process is to be changed, the rule will need to be amended.

Board member Hall will send a response to Representative Bedke advising him of the details pertaining to this issue.

5. Report on Charter Schools

Randy Thompson presented a report to the Board on the status of Public Charter Schools. He noted that his report is a preview of what will be presented to the Legislature on Idaho Code Title 33, Chapter 52 during the 2004 Legislative Session.

The report explains that the role of the State Board of Education in the appeal process is to determine when an application was not considered appropriately or if the decision by the local board was arbitrary. The only reasons for appeal are: the conversion of an existing public school to a charter school or the denial of a new charter school.

Board member Hammond said that the Board needs to be very much involved in what happens with the Nampa II Charter School as a result of its decision in October so that Board members are well educated on the issues.

M/S (McGee/Terrell): To appoint the Executive Director of the Board of Education to act as the authorizing and oversight entity for all public charter schools approved by the State Board of Education as authorized by Sections 101 and 102 of IDAPA 08.02.04, “Rules Governing Thoroughness.”

Board member Stone said the motion should indicate the appointment of the Executive Director as the authorizing and oversight entity is an interim arrangement. Board member McGee agreed.

Amended motion by Stone/seconded by McGee: To appoint the Executive Director of the Board of Education to act as the interim authorizing and oversight entity for all public charter schools approved by the State Board of Education as authorized by Sec 101 and 102 of IDAPA 08.02.04, “Rules Governing Thoroughness.”

By unanimous consent the Board agreed to amend to the motion again to read: “Rules Governing Charter Schools” and not “Thoroughness.” *Motion carried 7-1 (Howard voted Nay because she was unable to clearly hear the discussion on the phone connection).*

BUSINESS AFFAIRS & HUMAN RESOURCES – Jim Hammond

Student Fees Presentation – ASUI President Mason Fuller

Mason Fuller, ASUI President Mason Fuller reported to the Board on concerns related to student fees and access to quality education. He was joined by the Student Body Presidents from BSU, LCSC and ISU.

Mr. Fuller said the issues related to fees are complex. They include: a lack of transparency as to where the general education fees come from and where and how they are spent; the burden on students and their families; no apparent improvement in services, program quality or access. He said that the general consensus is that increased fees seem to be going towards maintaining the status quo.

Ali Halek of BSU agreed that students question why fees increase when they don’t see increased or improved services. Justin Holman of LCSC said the value of other educational programs outside of the classroom is important. Eddie Hanks of ISU encouraged the Board to look at someone else to bear the burden besides the students or they won’t be able to afford an education in this state.

Board member Hammond asked how much of the rising student debt is due to cost of living increases and additional conveniences and services provided to students. Mr. Fuller said equipment such as mandatory laptops, lab fees, text books, electronic devices, etc., have driven up the cost more than conveniences on campus have. He used the term “value erosion” in describing what is going on, but agreed there were improvements in some areas. He suggested the improvements may be due to realignment.

Board member Hall asked the panel if it was time to abandon the tuition approach. Mr. Fuller said that he thought it was possible to show where the funds came from and how they were spent without taking that step.

Board member Hall noted it does seem to take longer to get a bachelor’s degree and wondered how much of that was due to lifestyle issues versus access issues. Mr. Fuller said many students have expressed to him that they are unable to get into a class when they need to. Mr. Hanks and Mr. Halek agreed. Mr. Holman added that the current lifestyle issues are that more students have to work while going to school, there are more nontraditional students are in attendance which impacts access, and there is less financial aid available.

Board member Hammond thanked the panel saying how important their input was in gaining a better understanding of the issues. Board member McGee asked that students from the other schools be invited to report in the future so that every institution has been represented.

Section I - Finance

1. Boise State University

Buster Neal from BSU presented details to the Board on six motions that under consideration at this meeting. He noted there are five building projects being considered, three of them would be self-funded (West Campus Parking, Bronco Stadium Health and Safety, and the ESCO projects). The two remaining projects (Interactive Learning Center and the Student Services Center) would be funded by the current operating budget, combined with required reserve balances, bond savings and growth related revenue increases.

Mr. Neal said there are anticipated savings of going to a single bond approach, but the exact amount is not known. He emphasized that this is the use of one bond for multiple projects, not the consolidation of existing bonds.

Board member Lewis asked for a breakdown on the self-funded projects. Mr. Neal responded and also noted that BSU is at a point where they can't rely on state funds to build the necessary buildings to keep up with growth and need because the state funds are much too limited.

Board member Hammond said Boise is the fastest growing area in the state and that BSU is the fastest growing campus. Given that, he urged the Board to take the necessary steps to help them keep up with the growth.

Board member Hall asked Mr. Neal to prioritize the projects. Mr. Neal said the first priority would be the three self-funded projects, second the academic building and finally the student services project.

Single Bond System and Financing Plan for New Projects

M/S (Hammond/McGee): To approve the request by Boise State University to proceed with its plan to move toward a single bond system and approval of the financing plan in an amount not to exceed \$30,000,000. Motion carried 5-3 (Nays: Stone, Hall and Agidius).

Bronco Stadium Health and Safety Projects

The deterioration of light standards and concrete in the Stadium and the lack of hot water in the restrooms have created safety issues.

M/S (Hammond/Terrell): To approve the request by Boise State University to plan, design and construct the Bronco Stadium Health and Safety Improvements in the amount of

\$2,420,000, using funds from current unallocated bond system reserves in the revenue bond fund. *Motion carried unanimously.*

Energy Conservation (ESCO) Project

No Board action required.

Interactive Learning Center Project

This is a 65,000 foot facility that will provide additional classroom space as well as office and research space for permanent and adjunct faculty. Board member Hammond asked if there would be a problem in waiting to approve the design and construction and Mr. Neal said that without full approval they wouldn't be able to include it in the bond request.

Board member Stone said he would oppose this because it requires the shifting of funds. Board member Agidius agreed and said that there are not sufficient details in the budget for him to approve this project.

Board member Lewis said it would be helpful to have budget details. He said the Board should examine this method of funding and whether it is healthy.

Board member Hall said he would vote to approve the learning center, but would not approve the student services center until BSU has a budget that clearly demonstrates that the quality of services and programs won't be adversely impacted elsewhere on campus.

M/S (Hammond/Terrell): To approve the request by Boise State University to plan, design and construct the Interactive Learning Center Project in the amount of \$11,100,000, using funds from the current operating budget, carry forward, revenue increases and bond system savings. *Motion carried 5-3 (Nays: Agidius, Stone and Howard).*

Student Services Center Project

This facility will consolidate BSU's student support functions into one location and also free up space for much needed academic use. BSU won't sell bonds for projects that have not been approved unless the staff and the Board can work in the interim between now and January 15th to come to agreement to approve the project.

Board member Agidius reiterated his concerns regarding the operating budget utilization and the lack of sufficient detail about the project.

Board member Terrell asked why there were objections and Board member Hall said that BSU has demonstrated the need for additional classroom space, but they have not adequately demonstrated that there is a need for the Student Services Center. Board member Lewis noted that the Board is trying to develop a standard as projects are brought forward and when operating budgets are being used more information should be made available to assure the institution can afford the cost. Also, there needs to be justification as to what is driving the institution.

M/S (Hammond/Terrell): To approve the request by Boise State University to plan, design and construct the Student Services Center Project in the amount of \$5,000,000, using funds from current operating budget, carry forward, revenue increases and bond savings system.

Substitute motion by Terrell and second by Lewis: To table this project request. Motion carried unanimously.

West Campus Parking Improvements

An additional 600 parking spaces will be provided to coincide with the opening of the Academic Building that is currently under construction.

M/S (Hammond/Terrell): To approve the request by Boise State University to plan, design and construct the West Campus Parking Improvements Project in the amount of \$600,000 using funds from current and future parking system revenues. Motion carried unanimously.

There was unanimous consent to take item number 8 of the Business Affairs Finance Section of the agenda out of order at this time.

8. Athletic Conference Affiliations

Boise State University: Mountain West Athletic Conference

Board member Hammond noted that neither BSU nor U of I have received an invitation to change conferences as yet, however, given the possibility it was decided that the institutions have Board approval now to accept the invitation.

Gene Blaymeir reported that BSU wishes to pursue and accept an invitation as an all-sports member of the Mountain West Athletic Conference which would become effective for FY06, beginning on July 1, 2005. He noted that the benefits of this move include reduced travel time for the teams and geographic compatibility with schools in the MWC. There would be a reduction in the cost of travel and additional bowl games available. A move to the MWC would generate approximately a \$300,000 increase in ticket revenues in the first year.

1. Boise State University (continued)

Naming/Memorializing Buildings/Facilities

M/S (Hammond/Stone): To approve the Boise State University request to name the new residence halls “David S. Taylor Hall” and “John H. Keiser Hall.” Motion carried unanimously.

Board member Hammond encouraged the Presidents’ Council to look at the issue of facilities plans and priorities and determine what is appropriate as to cost per square foot, cost per student, facility use, etc., so that there is consistency in the plans and requests. President Thomas said

the Presidents' Council has discussed the need to set priorities and that a template is being developed so that every facility/building request would have the same format.

Board member Terrell agreed that kind of a template would be helpful to the Board members in reviewing the proposals and gathering information. He went on to ask the Board to direct Board staff to create another kind of template or check list for Board members so they can keep track of what has been done on each project.

Board member Hall directed Board staff to work with Board member Terrell and the Presidents' Council to develop such a template.

2. University of Idaho

Audits and Financial Reports

UI/UI Foundation Inc/Consolidated Investment Trust

Board member Hammond said that Jeff Shinn of the Board staff will review the audits. Board member Hall asked Mr. Shinn to bring to the attention of the Board any items that require an exception so they can assure the recommendations are properly implemented.

Sale of Timber to Riley Creek Lumber

Information item; no Board action required.

3. Cost of College Study

BSU, ISU, LCSC and the U of I undertook a study to determine the cost and price for undergraduate students in the state of Idaho. A report on that study, which was conducted using methods developed and validated by the National Association of College and University Business Officers, was presented as an information item to the Board by Ken Harris of the University of Idaho.

Mr. Harris referred to a handout that included the following explanation regarding the study: "The cost number reflects the average cost of undergraduate education across all academic disciplines and makes no attempt to differentiate between low and high cost programs. It includes all costs from all funding sources. The average costs will reflect differences in institutional size, mission, student demographics or state funding mix. In consequence, the average costs reported cannot be used to accurately compare cost efficiency between institutions. The average cost does not measure quality, value or adequacy of funding in any way."

It was noted, based on averages from each institution, the four-year system-wide average cost is \$10,228 per full-time equivalent student and average price of the mandatory fees paid by a resident undergraduate student is \$3,297 or 32.2% of average cost.

4. Higher Education Bonded Projects

Information item; no Board action required.

5. Student Fees Issues

It was noted that discussion of this item had taken place earlier when the student body presidents made their report to the Board.

6. Intercollegiate Athletics Annual Financial Reports

Jeff Shinn of the Board staff said that the year end fund balances indicate that the institutions are doing better this year which is a tribute to the institutions. He referred the Board to page 43 of Tab 6 of the Finance agenda.

Board member Stone asked what the Other Miscellaneous item encompassed (line item 109) and as follow up to that question Board member Hammond asked the institutions to provide details to Mr. Shinn so he can distribute it to the Board members prior to the next meeting.

Board member Hall asked Mr. Shinn to track the representation of projections of the financial sheet by moving from one league to another from one year to the next so that the Board has data to measure the accuracy of those projections (representation versus results).

M/S (Hammond/Agidius): To accept the Annual Intercollegiate Athletics Reports as presented on pages 47-69. Motion carried unanimously.

7. Intercollegiate Athletics Employee Compensation Reports

It was noted that the material contained in this report has been reviewed by the Board. It is an information item and no Board action required.

8. Conference Affiliation Change Request (continued)

University of Idaho: Western Athletic Conference

The Mr. Spear of the U of I reported to the Board the reasons they are requesting permission to seek membership in the Western Athletic Conference beginning July 1, 2005. By joining the WAC U of I would be competing with schools that have a similar academic mission and there would be a better geographic alignment. There would be reduced travel costs and an anticipated increase in attendance as well as alumni, booster and community support. There will be a cost to join, but no buy-in penalty.

Motion by Terrell: To authorize the President of BSU or his designee pursue and accept an invitation as an all-sports member of the Mountain West Athletic Conference. (This motion was followed by a substitute motion.)

Substitute motion (Stone/Lewis): To authorize the President of BSU or his designee to make the final decision as to whether it is in the best interest of the BSU to pursue and accept an invitation as an all-sports member of the Mountain West Athletic Conference and in so doing to comply with all Board policies and procedures. Also, to authorize the President of U of I or his designee to make the final decision as to whether it is in the best interest of the U of I to pursue and accept an invitation as an all-sports member of the Western Athletic Conference and in so doing to comply with all Board policies and procedures. *Motion carried unanimously.*

Section II – Human Resources

1. Boise State University: New Positions/Changes in Positions

M/S (Hammond/Lewis): To approve the request by Boise State University for four (4) new positions supported by appropriated and local funds and title, term, salary; and FTE changes to five (5) positions as detailed in the Human Resources agenda. *Motion carried 6-0 (Agidius and McGee absent for vote).*

2. Idaho State University: New Positions/Changes to Positions

M/S (Hammond/McGee): To approve the request by Idaho State University for forty-nine (49) new positions; and changes to one (1) other position as detailed in its Human Resources agenda recognizing that the health and welfare positions are subject to subsequent approval later on in the agenda. *Motion carried 7-0 (Agidius absent)*

3. Lewis-Clark State College: New Positions

M/S (Hammond/McGee): To approve the request by Lewis-Clark State College for two (2) new positions (2.0 FTE) as detailed in the Human Resources agenda. *Motion carried 7-0 (Agidius absent).*

UNIVERSITY OF IDAHO PRESIDENTIAL SEARCH – UPDATE

Board member Hammond reported that there are nine candidates and they will be interviewed the second week in December. The finalists will then be invited to campus in January after school resumes.

EXECUTIVE SESSION

M/S (Hall/Hammond): 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. *Roll call vote taken; motion carried 7-0 (Howard absent).*

The Board considered records that are exempt by law from public inspection and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

PRESENTATION BY HOLLAND & HART AND KPMG REGARDING UNIVERSITY PLACE REVIEW

Larry Prince of Holland & Hart reported on the review that Holland & Hart conducted regarding University Place. He summarized the scope of work of the review noting that over 4900 hours were spent on the effort. A 600 page report has been drafted.

M/S (Agidius/Stone): That the Board of Education of the State of Idaho – Board of Regents of the U of I, having received the Management Review report of Larry Prince, Special Deputy Attorney General, and having considered the same, authorize release of the Management Review Report to those persons or entities requesting the same pursuant to the Idaho Public Records Act (Idaho Code Section 9-337 et seq.) with such release to occur following review of the Management Review Report by the Deputy Attorneys General assigned to the Board for redaction of any records or information contained therein, but only to the extent that the Board has a specific affirmative duty under the Idaho Public Records Act to withhold such records or information from public release. The Board waives, to the full extent necessary for such release, applicable privileges associated with the Management Review Report, including the attorney client privilege.

Motion carried, 7-0 (Howard absent).

Board President Hall said the report will be released to the public to the full extent of the law at 1:00 p.m. on Tuesday, December 9, 2003. He also appointed a subcommittee, chaired by Rod Lewis as Chair with Laird Stone and Blake Hall also serving, to review the report in detail and report back to the Board on all issues deemed appropriate.

STATUS OF THE UNIVERSITY OF IDAHO COLLEGE OF ARTS AND ARCHITECTURE

Charles Hummel spoke to the Board about what he termed the suppression of the College of Arts and Architecture at University of Idaho. Also making comments were Paul Blanton, Mike Patano and Mark Pynn. They noted that the College of Letters, Arts and Sciences took the place of the College of Art and Architecture and asked the Board to look into the situation.

Board President Hall appointed Jim Hammond (as chair) and Milford Terrell to serve on a subcommittee to look at this situation. He charged the subcommittee with determining first if there was a violation and secondly to work with the foundation, administration and advisory board to see if and how restoration can occur if there was a violation.

DELOITTE & TOUCHE INDEPENDENT AUDITORS PRESENTATION

Board President Hall acknowledged the receipt of the audit report and recommended giving the Board additional time to review the material until the January meeting. If, at that time, there are questions, Deloitte & Touche will be invited to return to respond to questions. There being no objections to this recommendation, it was so ordered.

INSTRUCTION, RESEARCH & STUDENT AFFAIRS – Rod Lewis

1. New BSU Undergraduate Program – B.S., Materials Science and Engineering

Daryl Jones of BSU reviewed the program being considered.

M/S (Lewis/Hammond): To approve Boise State University's Bachelor of Science in Materials Science and Engineering. Motion carried unanimously.

2. New ISU Administrative Unit: Idaho Center for Disability Evaluation

Jonathan Lawson spoke to the Board about the Center which is to be established in response to a request from the Department of Health and Welfare.

Board member Lewis recommended a committee be formed to further study this project and determine what other recommendations may be needed in this and other similar situations where institutions are contracting for independent streams of funds.

Board President Hall appointed a subcommittee to include Karen McGee (as chair) and Rod Lewis to determine whether there needs to be any revision of Board policy related to this (and similar) projects.

Board member Lewis recommended approving the unit.

M/S (Lewis/McGee): To approve Idaho State University's Idaho Center for Disability Evaluation. Motion carried unanimously.

3. Approve Nominees for WWAMI Admissions Committee

M/S (Lewis/ McGee): To approve the three-year rotating terms for the University of Washington School of Medicine Committee on Admissions and the appointment of Dr. James Scheel as an Idaho member of the Committee. Motion carried unanimously.

4. Other Academic Indicator Options

M/S/ (Lewis/Terrell): To defer this item until the January meeting. Motion carried unanimously.

5. LEP EDUCATION INITIATIVE

Randy Thompson reported to the Board the issue of LEP particularly in light of the No Child Left Behind mandate. Board member McGee shared comments from Representative Martinez about the support systems for LEP students.

Dr. Howard reported that a review of LEP (Hispanic) students had been conducted and that those results are available.

Board member Lewis recommended the President appoint a subcommittee of the Board to work with Board staff to undertake an initiative to improve LEP education, including forming a commission of 6-8 persons to provide recommendations to the Board to improve LEP education throughout the state.

By unanimous consent this recommendation was approved. Randy Thompson of the Board staff and Blake Hall were appointed to form this subcommittee.

5. Distribution of Title IIA, Title IIIA, and Title VIA Funds

Dr. Marilyn Howard asked for the Board to reconsider the distribution and control of the Title IIA, IIIA and VIA funds.

Board Chair Hall asked if there was a motion to reconsider, but no motion was forthcoming. At this time Board member Howard asked for who the contact person was at the Board Office for Title IIA, IIIA and VIA Funds so that the State Department of Education could complete their federally mandated duties. Board President Hall said that Randy Thompson is the contact person.

OTHER BUSINESS

Board President Hall thanked the Board, the staff of the Board and the agencies, the university officials and the Student Body Presidents, and all those who have taken the time to appear and work to support and improve education and opportunities for education in Idaho.

Board President Hall delivered additional closing remarks summarizing a number of the issues the Board has considered and acted on over the past year and a half. He made note of a letter from the Idaho School Boards Association supporting Board action on accountability.

There being no further business, the meeting adjourned at approximately 2:30 p.m.