



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  
May 18-19, 2004  
Boise, Idaho**

A meeting of the Idaho State Board of Education was held on May 18-19, 2004 at the DoubleTree Club Hotel in Boise, Idaho. The meeting was called to order by President Rod Lewis. The following members were present:

Rod Lewis, President	Laird Stone, Vice President
Milford Terrell, Secretary	Marilyn Howard, State Superintendent
Paul Agidius	Blake Hall
Karen McGee	Susan Thilo

The Board entered into Executive Session immediately upon convening on May 18, 2004.

**EXECUTIVE SESSION**

**M/S (Hall/Terrell): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), and (f).** *A roll call vote was taken. Motion carried unanimously.*

**EXECUTIVE SESSION**

On Wednesday, May 19 the Board re-convened and immediately returned to Executive Session.

**M/S (Hall/Agidius): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), and (f).** *A roll call vote was taken. Motion carried unanimously.*

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.

An open meeting of the Board convened at 1:15 p.m. on May 19, 2004.

## **BOARDWORK**

### 1. Chief Executive Officer Appointments/Reappointments and Salaries

**M/S (Hall/McGee): To approve the reappointment of Dr. Richard Bowen as President of Idaho State University effective July 1, 2004 through June 30, 2005 at a state salary of \$165,240.00. Motion carried unanimously.**

**M/S (Agidius/Terrell): To approve the reappointment of Dr. Dene Thomas as President of Lewis-Clark State College effective July 1, 2004 through June 30, 2005 at a state salary of \$125,000.00 and to grant tenure as a member of the faculty at Lewis-Clark State College. Motion carried unanimously.**

**M/S (Hall/McGee): To approve the reappointment of William Robertson as Interim President of Eastern Idaho Technical College effective July 1, 2004 at a state salary of \$98,700.00. Motion carried unanimously.**

**M/S (Terrell/Agidius): To approve the reappointment of Dr. Robert Kustra as President of Boise State University effective July 1, 2004 through June 30, 2005 at a state salary of \$165,240.00. Motion carried unanimously.**

**M/S (McGee/Stone): To approve the reappointment of Gary Stivers as Executive Director for the State Board of Education effective July 1, 2004 through June 30, 2005 at a state salary of \$107,100.00. Motion carried unanimously.**

### 2. Appointment of Vice President for Finance and Administration – University of Idaho

**M/S (McGee/Agidius): To approve the appointment of Dr. Jay Kenton as Vice President for Finance and Administration of the University of Idaho effective July 1, 2004 through June 30, 2005 at a state salary of \$155,000.00. Motion carried unanimously.**

### 3. Designation of Idaho Virtual Academy as a Local Education Agency

Randy Thompson of the Board staff presented this item to the Board for their consideration. He noted that in 2004, the Idaho legislature made a provision for the State Board of Education to identify those charter schools that shall be designated as LEAs. He went on to discuss the matter of designating the Idaho Virtual Academy as an LEA.

Board member Hall commented on the matter of charter schools in general and the Idaho Virtual Academy in particular. He noted that the legislature (specifically, the Joint Finance and Appropriations Committee) appropriated a certain amount of money that was to go to the IDVA in FY2004.

**M/S (Hall/McGee): To approve that the Idaho Virtual Academy be designated as a Local Education Agency in the Idaho Public Education system effective July 1, 2003, and to**

**direct the State Department of Education to distribute all appropriate federal funds to the IDVA by June 15, 2004, associated with this designation, as allowed by applicable state and federal law. Motion carried 7-1 (Howard dissenting).**

There was discussion about the effective date of July 1, 2003. Dr. Howard said she supported designating the Idaho Virtual Academy as an LEA. However, based on discussion with staff of the Legislative Service Office, she could not support the portion of the motion having to do with the retroactive designation. Board member Stone said he had the same concern and noted that the final part of the motion indicated that the distribution of funds has to be within the confines of state and federal law. Board member Hall went on to explain his understanding of the legislative intent. Board member McGee concurred with Board member Hall.

Board member Hall discussed the concerns that local districts have about their potential liability for public charter schools that will fall under the purview of the Charter School Commission or the Board, noting there was a need by the Board to be sensitive those concerns.

**M/S (Hall/Terrell): Move that the authority to designate public charter schools as LEAs be delegated to the Executive Director of the State Board of Education with instructions that, at this point, those be limited to public charter schools that are chartered or come under the purview of either the Commission or the SBOE. Motion carried unanimously.**

During discussion, Board member Hall clarified that his motion was restricted to those public charter schools that come under the Commission or the State Board.

## **EXECUTIVE SESSION**

**M/S (McGee/Agidius): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), and (f). A roll call vote was taken. Motion carried unanimously.**

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 Board adjourned at 3:00 p.m.