

1. Agenda Approval

Does the Board have any changes or additions to the agenda?

2. Rolling Calendar

BOARD ACTION

To approve December 1-2, 2005 as the dates and Idaho State University as the location for the December 2005 regularly scheduled Board meeting.

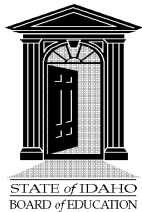
To approve January 25-26, 2005 as the dates and the Gold Room and Boise State University as the location for the January 2005 regularly scheduled Board meeting.

3. Minutes Approval

BOARD ACTION

To approve the minutes from October 13-14, 2004; November 4, 2004; November 12, 2004; and November 16, 2004 as submitted.

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**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**

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**DRAFT MINUTES**  
**STATE BOARD OF EDUCATION MEETING**  
**October 20, 2004**  
**Red Lion Hotel**  
**October 21, 2004**  
**Lewis Clark State College**  
**Lewiston, ID**

A regular meeting of the Idaho State Board of Education was held on October 20-21, 2004 in Lewiston, Idaho. Board President Rod Lewis presided. The following members were present:

Rod Lewis, President  
Milford Terrell, Secretary  
Blake Hall  
Susan Thilo

Laird Stone, Vice President  
Paul Agidius  
Karen McGee  
Marilyn Howard, State Superintendent

The meeting was called to order at 6:15 p.m. on October 20, 2004 by Board President Lewis at the Red Lion Hotel in Lewiston, Idaho.

### **EXECUTIVE SESSION**

**M/S (Hall/McGee): To enter into executive session at 6:15 p.m. on October 20, 2004, pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), (e), (f), and (g). A roll call vote was taken. Motion carried 5-3(Howard, Agidius and Terrell joined the session after the roll call vote was taken).**

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; conducted deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; considered records that are exempt from public inspection; considered preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation; and by the commission of pardons and parole, as provided by law.

The regular meeting of the Board was called to order at 8:15 a.m. on October 21, 2004 by Board President Lewis at Lewis Clark State College.

## **BOARDWORK**

### 1. Agenda Approval

By general consensus, the agenda was approved.

### 2. Rolling Calendar

**M/S (Hall/Thilo): To approve October 13-14, 2005, as the dates, and Lewis Clark State College as the location, for the October 2005 regularly scheduled Board meeting. Motion carried 7-0 (McGee not present).**

**M/S (Hall/Stone): To approve November 12, 2004, as the date, and the East Conference Room of the J.R. Williams Building as the location, for a special Board meeting. Motion 7-0 (McGee not present).**

### 3. Minutes Review/Approval

**M/S (Terrell/Thilo): To approve the minutes from August 12-13, 2004, as submitted with corrections and additions. Motion carried 7-0 (McGee not present).**

## **OPEN FORUM**

Laurie Racich, Lewis Clark State College Associated Students, spoke to the Board about the issue of health insurance coverage for students. She noted that some institutions provide better coverage than others do and that students with health issues may be forced to leave college when there isn't adequate coverage. She went over a recommendation for providing affordable health coverage to Idaho's college students and invited comments from the Board.

Pamela Laird, LCSC student, spoke to the Board about student health insurance costs from the perspective of a student. She objected to health insurance being mandatory, but appreciated having it available.

President Rod Lewis reviewed changes in the Board meeting format, including the addition of a consent agenda.

## **CONSENT AGENDA**

It was recommended to approve the Board's consent agenda items.

**M/S (Terrell/Stone): Approve the Board's consent agenda items, number one through eleven. *Motion carried unanimously.***

1. RFP for State Higher Education Eligible Partnership Grants

Information item.

2. Program Changes Approved by the Executive Director

Information item only.

3. First Reading – Repeal of Board Policy I.L.2 – Appeals for Charter Schools Establishment

**Approved, by consent, the first reading of the amendment to Board Policy I.L.2-Appeals for Charter Schools Establishment.**

4. Boise State University

**Approved, by consent, the request by Boise State University for fourteen (14) new positions (12.10 FTE) supported by grant, local and state funds and authorization to increase the salary, term and FTE (8.25 FTE) in three (3) positions supported by local and state funds.**

5. Idaho State University

**Approved, by consent, the request by Idaho State University for fourteen (14) positions (12.85 FTE) and to increase the FTE on two (2) positions (2.0 FTE).**

6. University of Idaho

**Approved, by consent, the request by the University of Idaho to add two (2) new positions (2.0 FTE).**

7. Lewis-Clark State College

**Approved, by consent, the request by Lewis-Clark State College to add two (2) new positions (2.0 FTE) and to approve one salary increase (1.0 FTE).**

8. College and Universities and Agencies Request to Carry Over FY2004 Authorized Unspent Funds to FY2005

**Approved, by consent, the requests for Boise State University, Idaho State University,**

**University of Idaho, Lewis-Clark State College, Agriculture Research and Extension Service, Health Programs, Division of Professional-Technical Education and the Idaho School for the Deaf and Blind to carry over authorized, but unspent funds from FY2004 to FY2005.**

9. FY2006 Capital Budget Request

Information item only.

10. College and Universities Summary of Sources and Uses of Funds

Information item only.

11. Update on the Audit RFP

Information item only.

**INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**

1. Update on ISIMS Report

Jana Jones, Department of Education, provided a status report to the Board about the ISIMS project, noting that some problems occurred during phase-one. She explained that an evaluation of the project took place and it determined that certain issues required expertise beyond what the previous management team could provide. As a result, a new management company was hired to stabilize the project and focus on the eSIS product. Additional resources were put into the project and a new steering committee was formed.

Of note, the roll-out phase is complete and the phase-two (originally scheduled to begin in November) re-plan and timeline will be announced in December. Problems will be resolved before ISIMS moves to the second phase.

Board member McGee recommended the steering committee include a member of the State Board of Education. She had other questions about the project, but will forward them to Gary Stivers to bring back a response in December.

Dr. Howard pointed out that the Albertson Foundation appointed the steering committee. In terms of the issues with the software, the project is working with companies that have good products, however, the interoperability of the products had not been determined before. Now that those issues are coming out, they are being addressed.

Ms. Jones said the Albertson Foundation would have specific details for the Board at the December meeting, including timelines, budget projections, ongoing management costs, etc.

**2. Update on Advanced Placement**

Allison McClintick, Board Office staff, introduced Dr. Val Schorzman, Department of Education. They presented a report on Advanced Placement and Dual Secondary-Postsecondary Enrollment. Ms. McClintick discussed the nationwide attention given to accelerated learning. She said Idaho's policy for accelerated learning includes the College Level Examination Program. Dr. Schorzman went on to discuss AP courses and exams, noting that a grant made it possible for more students to take exams.

Ms. McClintick said all of Idaho's higher education institutions offer some kind of concurrent enrollment or dual enrollment courses. Instructor qualifications, cost and accessibility, and online delivery in the service areas are issues that have been discussed related to dual enrollment.

Board member Hall recommended the colleges and universities prepare a three-year, dual enrollment progress report for the December Board meeting. He asked that the reports include success rates for having dual enrolled students going on to enroll at their institution after high school graduation.

Dr. Howard brought up several issues related to dual enrollment: identifying the target population; having admission requirements for dual enrollment or AP courses; the background of postsecondary instructors who are delivering coursework to secondary students; course content and the need for assurances; funding issues (credit, associated fees, academic standards, and affordability).

Ms. McClintick said representatives from the admission offices at each campus make up the group discussing these issues. Board President Lewis advised having a Board member, Department of Education staff, and other representatives from the institutions included in discussions looking at the structural issues pertaining to dual enrollment and AP courses.

**3. Update on LCSC Teacher Education Programs**

Tony Fernandez, Lewis Clark State College, reported about plans, initiatives, desires and wishes regarding Teacher Education programs. He discussed the Pathways for Accelerated Certification and Endorsement (PACE) program and said that LCSC is considering, as possible future programs, Performance-Based State Alternative Elementary and Secondary Certification, and a Bachelors Degree in Domestic Schooling. He asked the Board to consider having discussions with LCSC about the possibility of LCSC offering a Masters Degree in Teacher Education.

**4. Third Academic Indicator**

Board member McGee reported districts have encouraged adding Language Usage as the third indicator because a number of them are unable to use the Plato piece. Adding Language Usage as an indicator will allow districts with small student populations or large variance in subgroup

populations a more attainable way to increase all student achievement.

**M/S (Agidius/McGee): To approve the Language Usage ISAT as a district choice for the Third Academic Indicator in the AYP formula.** *Motion carried unanimously.*

## **PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

### 1. Presidents' Council Report

Dr. Robert Kustra reported to the Board on behalf of the Presidents' Council. He noted that the institutions have discussed areas where state government impacts higher education operations, such as human resources. He reported that Director Ann Heilman, Division of Human Resources, met with the Presidents' Council to discuss a possible plan that will resolve some of the issues the campuses have.

During their meeting with the Governor, the Governor broached topics for the Presidents to consider, including the timing for the approval of fees, implementation of differentiated fees and the question of who should set fees for the local campuses. Based on that discussion, the Presidents' Council recommended returning to April as the time to approve fees.

Dr. Kustra discussed with the Board a fee model called high-tuition/high-aid. Dr. Bowen said the Board needs to keep an open mind to different models and Board member Hall agreed.

### 2. Lewis-Clark State College Progress Report

Dr. Dene Thomas reported on progress at LCSC and discussed their strategic plan. LCSC's three-part mission includes Academic, Professional-Technical and Community programs. Several areas of interest were discussed, including the upcoming five-year accreditation visit on October 25-26, 2004, increased retention rates, ongoing outreach to other communities and collaboration with other institutions.

Dr. Thomas said increased enrollment required careful attention to budgeting. Salaries were frozen in FY03 and FY04, but LCSC used internal funds to make up differences between appropriations and the two percent raise and one percent bonus for LCSC employees in FY04.

Dr. Thomas commended the dedicated faculty and staff of LCSC. She introduced Ron Smith, the new VP of Administrative Services.

### 3. Reconsideration of Lake Pend Oreille School District Split

Board member Hall introduced this item and noted that a request had been made to reconsider the prior decision of the Board. Board member Thilo encouraged the Board to reconsider their decision, however, a motion to reconsider was not forthcoming.



**4. Liberty Charter School Appeal**

Legal Counsel, Kent Nelson, said the Board can refer this item to the Public Charter School Commission (which is the joint request of both the district and the charter school). If the Public Charter School Commission accepts the Liberty Charter School, the appeal would cease. If the Public Charter School Commission doesn't accept the charter school, the appeal would come back to the Board.

**M/S (McGee/Terrell): To request the Liberty Charter go to the Public Charter School Commission.** *Motion carried unanimously.*

**5. Report on the Public Charter School Commission**

Board member Hall introduced Jim Hammond, Chair of the Public Charter School Commission, and he introduced Bill Goesling, the Commission's Vice Chair.

Mr. Hammond presented a summary of the goals and purposes of the Commission and briefly described their work to date. He commended its members for their thorough and thoughtful consideration of the task they have been given to do.

Mr. Hammond noted that there are two significant barriers that the Commission faces. First, their work requires a commitment of significant time. Second, the legislation that established the Commission did not authorize funding for their work. He encouraged the Board to support the proposal by the Board Office to set aside funds for operations, travel, and staffing support for the Commission. Gary Stivers said that a Deputy Attorney General has been assigned to the Commission.

On another note, Mr. Hammond recommended that the Board propose legislation to put into place a mechanism to transfer a charter back to the home district once the Commission has authorized it. The Commission will work with the staff of the Board Office on drafting that legislation prior to the next meeting of the Board.

Mr. Goesling thanked the Board staff for providing assistance and support to the Commission. He reiterated that the oversight function of the Commission will make administrative support an ongoing need. He encouraged the Board to keep in mind that the areas of administrative support, funding, and leadership and advocacy will need attention.

Mr. Hammond summed up his remarks by noting that Idaho is being watched by other states because this Commission is unique. Therefore, it is moving deliberately to make sure that the charters authorized are successful.

The Board thanked Mr. Hammond and Mr. Goesling.

At this time Board President Lewis took the opportunity to acknowledge Mr. Hammond for the

time he spent as a member of the Board of Education. On behalf of the Board, Board President Lewis thanked Mr. Hammond and presented him with a plaque commemorating his service.

**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section I Human Resources****1. University of Idaho****Non-Delegated Appointments and Head Coach Employment Agreement**

Board member Terrell noted that the Board staff reviewed these items and found no items for concern.

**M/S (Terrell/Stone): To approve the request by the University of Idaho for three (3) positions with a salary equal to/greater than 75% of the Chief Executive Officer base salary and a contract extension for the Men's Head Basketball Coach. *Motion carried unanimously.***

**Employee Settlement Agreement**

**M/S (Terrell/ Agidius): To approve a separation agreement between the University of Idaho and Wayland Winstead. Total maximum value of the separation agreement, beyond that which is currently due Mr. Winstead under his existing contract of employment with the University of Idaho, is approximately \$5,800. *Motion carried unanimously.***

**2. Office of the State Board of Education – Non-Delegated Appointment**

Gary Stivers introduced Marilyn Davis to the Board.

**M/S (Terrell/Thilo): To approve the request by the Office of the State Board of Education to hire Marilyn E. Davis as Chief Academic Officer in Academic Affairs (1.0 FTE) at a salary equal to or greater than 75% of the executive director's base salary. *Motion carried unanimously.***

**3. Position Authorization Policy – First Reading-Policy II.B.3 Amendment**

This item was deferred until December.

**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section II Finance**

By unanimous consent, the Board agreed to consider items #1, #2, #3, #6 and #7 of the Finance agenda first.

**1. Idaho State University – Idaho Falls Land Purchase**

A SUPPLEMENTAL RESOLUTION: Authorizing the issuance and sale of \$3,305,000 General Revenue Bonds, Series 2004B, and \$2,305,000 General Revenue Bonds (Taxable), Series 2004C of the Board of Trustees of Idaho State University; authorizing the execution and delivery of a bond purchase agreement and providing for other matters relating to the authorization, issuance, sale and payment of the Bonds.

**M/S (Hall/ McGee): To approve the Supplemental Resolution authorizing the issuance and sale of \$3,305,000 General Revenue Bonds, Series 2004B, and \$2,305,000 General Revenue Bonds (Taxable), Series 2004C of the Board of Trustees of Idaho State University; authorizing the execution and delivery of a bond purchase agreement and providing for other matters relating to the authorization, issuance, sale and payment of the Bonds.**

*Motion carried unanimously.*

2. University of Idaho – Railroad Land Exchange

**M/S (Hall/Agidius): To approve the University of Idaho’s request to (1) acquire 10.11 acres of railroad property in Moscow; (2) fund the acquisition by exchanging 5.09 acres of UI Regents property in Moscow; (3) grant an easement to the City of Moscow to accommodate the Paradise Path linear parkway; (4) grant an easement to WATCO to accommodate location of a rail line; (5) accept an easement for future road construction across the railroad right-of-way; and (6) accept a license to make stream enhancements on railroad right-of-way.** *Motion carried unanimously*

3. University of Idaho – Purchase of Fraternity House Building

**M/S (Hall/McGee): To table this item until the next meeting.** *Motion carried 7-1 (Agidius dissenting).*

6. Amendment of Board Policy – Section H.4. – First Reading

Jeff Shinn updated the Board on this item.

Board President Lewis pointed to page 4 of the draft having to do with foundations and booster organizations. There was discussion about the audit responsibilities of the Board concerning foundations and the amount of control the Board has in this area.

Board member Hall asked about the meaning of the term “institutional affiliates.” He indicated that the term seems to be catch-all term. He asked Board staff to work with the institutions to refine the term so that it is more specific.

Board member Terrell suggested discussion of that concern at the next Financial VP meeting for further clarification. Board member Agidius agreed.

**M/S (Hall/Agidius): To approve the second reading of changes to Idaho State Board of**

**Education Governing Policies and Procedures, Bylaws, Section H., Committees to the Board, to create a new standing Audit Committee.** *Motion carried unanimously.*

7. University of Idaho – Easement Amendment

**M/S (Hall/Agidius): To approve a proposed amendment to an existing easement between the University of Idaho and Independence, Inc., regarding property in Moscow, Idaho, adjacent to UI property north of Highway 8 (behind Palouse Mall).** *Motion carried unanimously.*

**EXECUTIVE SESSION**

**M/S (Terrell/McGee): To enter into executive session at 1:05 p.m. on October 21, 2004, pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), (e), (f), and (g).** *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; conducted deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; considered records that are exempt from public inspection; considered preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation; and by the commission of pardons and parole, as provided by law.

The Board returned to the regular business agenda at 1:50 p.m.

4. Item Pulled From Agenda

5. FY2006 Budget Request Revisions

Jeff Shinn introduced the budget request revisions to the Board for their discussion and consideration. He briefly reviewed the budget development process and noted that agencies and institutions under the Board bring their budget requests to the Board for approval before submitting them to the Division of Financial Management and Legislative Services Office.

5a. Colleges and Universities – Occupancy Costs

Jeff Shinn said these revisions are a result of a need to correct the numbers that were presented in the original request. The FY2005 Supplement request is for the ISU Performing Arts Center. The decrease in replacement value is a result of a reduction in the value of the building.

**M/S (Howard/Thilo): To increase the College and University FY2005 Supplemental request for Occupancy Costs by \$189,000 and the FY2006 Enhancement request for Occupancy Costs by \$666,900. Motion carried unanimously.**

5b. Colleges and Universities – Funding Equity

**M/S (Hall/Agidius): To approve an adjustment in the FY2006 budget request for the College and Universities for the Funding Equity and Unfunded Enrollment Workload Adjustment in the amount of \$3,221,800. Motion carried unanimously.**

5c. Community Colleges – Funding Equity

Jeff Shinn explained this request is coming forward at this time because it was inadvertently left out of the request that was brought to the August Board meeting. Board members Hall, Lewis and Terrell agreed that the information available on this item lacked sufficient detail.

**M/S (Hall/Stone): To approve an adjustment in the FY2006 budget request for the Community Colleges for the unfunded Enrollment Workload Adjustment “EWAIU” for CSI in the amount of \$630,200. Motion carried 5-3 (Hall, Terrell and Lewis dissenting).**

5d. Community Colleges – Occupancy Costs

Jeff Shinn said the College of Southern Idaho’s request to move the FY05 amounts into the FY06 request came after the August Board meeting. President Meyerhoeffer said this request was brought forward now because the building won’t be completed until FY06. There was a question raised about uniformity and President Burke said their building is due to be occupied in FY06, so that NIC didn’t have an FY05 request.

It was noted that CSI was the only community college making this request for Enrollment Workload Adjustment and again there was a question about uniformity. President Burke said NIC opted for an enhancement request tied to the strategic plan rather than Enrollment Workload Adjustment.

**M/S (Hall/Agidius): To revise the Community College budget request to move \$115,200 for FY2005 unfunded occupancy costs into the FY2006 occupancy cost request. Motion carried unanimously.**

5e. Community Colleges – Enhancements

Jeff Shinn said that these items came into the Board Office after the August Board meeting. President Burke of NIC discussed the enhancement requests. Board member Hall noted that NIC operates under a taxing district and this enhancement request will fund expansion of the community college outreach centers into districts that aren’t part of the taxing district. President

Burke explained that NIC has a five-county service area designated by the SBOE. Every county is going to be assessed for students who enroll in NIC if they live outside the taxing district. Board member Hall suggested that NIC consider proposing changes via the Legislature to expand their taxing district into areas where they want to establish outreach centers.

**M/S (Hall/McGee): To not approve an adjustment in the FY2006 budget request for North Idaho College for Enhancements for equipment in the amount of \$504,800. Motion carried 5-3 (Terrell, Stone and Thilo dissenting).**

5f. Idaho State Historical Society – Enhancements

The Idaho State Historical Society briefly discussed this item. The first request is to provide for additional staff to deal with the backlog of historic records in the Historical Library and Archives Division. The second request is to support the Bicentennial Commemoration of the Lewis and Clark Expedition.

**M/S (Stone/Agidius): To allow the Idaho State Historical Society to request two (2) FY2006 budget enhancements for a total of \$129,000. A substitute motion was made and passed.**

**Substitute Motion (Lewis/Howard): To approve spending authority for the Idaho State Historical Society in the amount of \$25,000 in dedicated funds, received from dedicated license plate sales, in FY2006. Motion carried 6-2 (Stone and Agidius dissenting).**

5g. Division of Vocational Rehabilitation – Supplemental

**M/S (Thilo/Stone): To allow the Division of Vocational Rehabilitation to request two (2) addition FTP as part of their FY2005 Supplemental budget request. Motion carried 6-2 (Terrell and Hall dissenting).**

5h. Scholarships and Grants – MCO Adjustment

**M/S (Hall/Agidius): To revise the FY2006 budget request for the Scholarships and Grants Program budget request with a reduction of \$204,000 in federal funds spending authority. Motion carried unanimously.**

5i. TechHelp – Enhancement

**M (Hall): To allow the TechHelp program to request a budget enhancement of \$280,000 for FY2006. Motion failed for lack of a second.**

**DEPARTMENT OF EDUCATION**

**CONSENT AGENDA – DEPARTMENT OF EDUCATION**

Dr. Howard reviewed the items on the Department's Consent Agenda.

**M/S (Howard/Terrell): To include items D and F in the Department's Consent Agenda.**  
*Motion carried unanimously.*

By unanimous consent, the Board agreed to move item E (Public Schools Budget for 2005-2006) up in the agenda.

**M/S (Lewis/McGee): To approve the items on the Department's Consent agenda (A and B D and F).** *Motion carried unanimously.*

A. Request for Letters of Authorization

This item refers to IDAPA 08.02.02.039 as the legal citation for the Board's Letter of Authorization rule. The rule referred to in the agenda materials has been amended and redesignated, and this is the correct citation.

**Approved, by consent, the requests for Letters of Authorization, as submitted by the Professional Standards Commission.**

B. Annual Report of Albion Elementary School Hardship Status

Information item.

D. Superintendent's Report to the Board on Schools Requesting to Operate with Less Than Ten (10) Students

Information item.

F. University of Idaho Teacher Preparation Program Approval

**Approved, by consent, the recommendation by the Professional Standards Commission to accept the state team report as approved by the Professional Standards Commission, thus providing State Board of Education continuing program approval for the teacher preparation program at the University of Idaho in Moscow.**

**ROUTINE AGENDA – DEPARTMENT OF EDUCATION**

E. Public Schools Budget for 2005-2006

Dr. Howard reviewed the highlights of the Public School Budget request, referring to details in the Department's agenda item E. She noted that a 3% increase across the base is being recommended.

Related to ISIMS budget request, the Board questioned how the delay in the phase-two roll out might impact the \$5 million being requested. Dr. Howard noted that until the actual timeline is determined it is uncertain whether this amount will change. She asked Gary Stivers to work with her staff to get input from the Albertson Foundation. A more complete budget breakdown on the ISIMS budget item will be available in December.

Board member McGee suggested getting input on results from other states that have taken the approach of helping students pay for college exam costs as a way of encouraging public school graduates with postsecondary education. Dr. Howard agreed with other Board members that the point is to find a way to encourage students to continue their postsecondary education.

Board member Agidius asked for clarification on the pay-out for early retirement. Dr. Howard noted that the intent is to reach a distribution balance.

Board member Stone said he supported the Board taking a hard look at increasing monies that go to salaries and increases.

#### G. Pupil Transportation Rule Change: Bus Standards Referenced Document

Rod McKnight joined Board staff to discuss this item. Board member McGee said several superintendents indicated to her that language had been put back into the proposed rule change that she thought had been removed. She asked for an update on the status of discussions between the committee and the superintendents on this point.

Board member Hall asked that instructions be given to include either/or language so that the Board has the opportunity to consider the two approaches.

Mr. McKnight referred to page G-5 of the Department of Education agenda and discussed with the Board his perception about what was equitable as far as reimbursement. The Board emphasized that their intent is to reimburse “one” contract manager per contracted district over and above the operation, as long as the district is providing services at a rate that is less than public services.

Dr. Howard suggested having Board staff work with Mr. McKnight to refine the language. Board member Hall concurred.

#### C. Superintendent’s Report

Dr. Howard reported to the Board on activities and initiatives that are underway in the Department. She discussed the Fall Data Academies that are offered throughout the state, the coordinated efforts with the Secretary of State’s Office in setting up a mock presidential election for high school students, and the Department’s involvement in international education efforts. She commended Idaho’s two Milken Award recipients: Peggy Rogers, Burton Elementary in

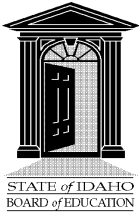


Rexburg, and Dawn Nistal, Seven Oaks Elementary in Eagle.

**OTHER BUSINESS**

Board member Stone thanked LCSC for their hospitality. There being no other business, a motion to adjourn was entertained at 4:20 p.m.

**M/S (McGee/Thilo): To adjourn the meeting.** *Motion carried 6-0 (Lewis and Terrell were absent).*



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**DRAFT MINUTES**  
**STATE BOARD OF EDUCATION MEETING**  
**November 4, 2004**  
**Len B. Jordan Building**  
**PTE Conference Room**  
**Boise, ID**

A special meeting of the Idaho State Board of Education was held on November 4, 2004 in Boise, Idaho. Board President Rod Lewis presided. The following members were present either in person or by conference phone:

Rod Lewis, President  
Paul Agidius  
Marilyn Howard, State Superintendent

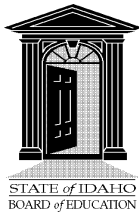
Laird Stone, Vice President  
Susan Thilo

The meeting was called to order at 11:00 a.m. on November 4, 2004 by Board President Lewis at the Len B. Jordan Building PTE Conference Room in Boise, Idaho.

**EXECUTIVE SESSION**

**M/S (Agidius/Thilo): To enter into executive session at, pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), (e), (f), and (g). 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; conducted deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; considered records that are exempt from public inspection; considered preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation; and by the commission of pardons and parole, as provided by law.



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Laird Stone, Vice President  
Paul Agidius  
Karen McGee  
Marilyn Howard

The meeting was called to order at 8:40 a.m. on November 12, 2004 by Board President Lewis at the J.R. Williams Building in the East Conference Room, Boise, Idaho and confirmed the attendance.

**BOARDWORK**

1. Agenda Approval

**M/S (McGee/Agidius): To amend the agenda with respect to the charter school rule; removing item six from today's agenda and reconsidering it prior to November 17, 2004.**  
*Motion carried 6-0 (Terrell and Howard absent).*

**STATE BOARD OF EDUCATION PENDING RULES**

1. Approval of Pending Rules and Amendment to Temporary Rules Governing Uniformity – Computer Based Alternative Routes – Docket No. 08-0202-0402

Dr. Howard noted the language on page two of Tab 1, 045.01 where it reads, “. . . the Board MUST approve . . .” indicating it seemed too broad and possibly takes away the Board’s discretion. She suggested it be changed to say, the Board will “. . . review and determine whether it meets the criteria.”

The Board discussed this point and agreed that the wording be changed to read, “All computer-based alternative routes to teacher certification shall be approved by the State Board of Education.”

**M/S (McGee/Terrell): To approve the adoption of the Pending and Amendment to Temporary Rule of IDAPA 08.02.02, Rules Governing Uniformity, Section 045, Computer Based Alternative Route to Teacher Certification, including alternative language. A substitute motion was made.**

**Substitute M/S (Terrell/Agidius): To approve the adoption of the Pending and Amendment to Temporary Rule of IDAPA 08.02.02, Rules Governing Uniformity, Section 045, Computer Based Alternative Route to Teacher Certification as amended in 045.01. Approval of the Program, to read: “All computer-based alternative routes to teacher certification shall be approved by the State Board of Education.”**  
*Motion carried unanimously.*

2. Approval of Pending Rules Governing Thoroughness – Failure to Meet AYP – Docket No. 08-0203-0402

Carissa Miller, Office of the State Board, discussed several points that were brought forward by Board members. She clarified the intent of the federal regulations having to do with student eligibility as far as choice and supplemental education services. There was further discussion of the rule regarding corrective action and the exact meaning of the phrase, “maintaining or making progress.” Ms. Miller agreed to check the rule for consistency with federal regulations prior to the next meeting of the Board.

**M/S Hall/Terrell: To table this item until the next special meeting (prior to November 17, 2004).** *Motion carried unanimously.*

3. Approval of Pending Rules Governing Thoroughness – LEP Standards – Docket No. 08-0203-0403

**M/S (Howard/McGee): To approve the Pending Rule, Rules Governing Thoroughness, Sections 670-755, ELP Standards as submitted.** *Motion carried unanimously.*

4. Approval of Pending Rules Governing Thoroughness – Annual Yearly Growth – Docket No. 08-0203-0404

There was discussion about the criteria for the academic achievement awards. Carissa Miller,

Office of the State Board clarified for the Board that the funding source for the awards are federal funds.

**M/S (McGee/Terrell): To approve the Pending Rule, Rules Governing Thoroughness, Section 113, Rewards as submitted.** *Motion carried unanimously.*

5. Approval of Pending Rules Governing Thoroughness – Commercial Driving Schools Docket No. 08-0202-0406

Karen Echeverria, Office of the Board, discussed the rule with the Board. She noted that no changes were made in the rule after the August Board meeting.

Dr. Howard referred to page 10 of Tab 5, section 1.8 noting that the sentence seemed incomplete. She suggested the sentence be amended to read, “. . . shall be submitted to the State Department of Education for approval.”

Board member Thilo, along with Board members Hall, Stone and Agidius, discussed item 9.5 (page 17) having to do with the requirement of daylight driving hours. There was agreement that the requirement is not practical or reasonable considering how much daylight there actually is during certain times of the year along with the large number of students taking driver's training, and the limited number of classes. Dr. Howard said it was an issue of student-safety for student drivers training, but agreed the rule should be consistent. Board member Agidius suggested eliminating the two-hour daylight training requirement.

Board President Lewis pointed out other places in the rule that needed clarification or correction. There was discussion by the Board on section 9.2 having to do with enrollment and the acceptable number of missed hours. Board member Thilo suggested the last sentence of this section read, “. . . enrollment not be allowed to continue if the student misses more than the first three hours of instruction.” Board President Lewis and Board member Terrell agreed.

The discussion returned to section 1.8 and there was agreement that the wording should be “for review and comment.”

**M/S (Terrell/Agidius): To approve the Pending Rule, Rules Governing Thoroughness, State Board Rules for Commercial Driving Schools.** A substitute motion was made.

**Substitute M/S (Lewis/Terrell): To approve the Pending Rule, Rules Governing Thoroughness, State Board Rules for Commercial Driving Schools with the following amendments:**

- **Section 1.8 -- change the first sentence to read, “A copy of the course content outline and a scope and sequence for both the in-car and classroom instruction shall be submitted to the Department of Education for review and comment.”**
- **Section 2.1 -- correct the typographical error in the second line, changing ASE to ASA.**

- **Section 9.2 – to read, “A student may miss the first three (3) hours of classroom instruction. However, the hours must be made up before any final tests are administered. Enrollment is not permitted if the student misses any more than the first three (3) hours of instruction.”**
- **Section 9.5.e – this section to be deleted.**
- **Section 9.11 – change to make the language the same as what is on page 30, Tab 5.**
- **Section 9.13 – in the first line, change “. . . student or their parent . . . “ to read “. . . student and their parent . . . “**
- **Section 11.2.h -- in second line, the word “shall” to be substituted for the word “may.”** *Motion carried unanimously.*

6. Approval of Pending Rules and Amendment to Temporary Rules Governing Charter Schools – Docket No. 08-0204-0401 and 08-0204-

This item was tabled until the next special meeting (prior to November 17, 2004).

7. Approval of Pending Rules Governing Thoroughness – Busing – Docket No. 08-0202-0403

Rod McKnight discussed this rule with the Board. He clarified what was in the statute for the benefit of Board members in regards to this pending rule. He also explained other changes made in the rule.

It was noted, on page 76, second line from the bottom of the page, the word “bidding” is misspelled.

**M/S (Howard/McGee): To approve a pending rule (Docket No. 08-202-0403) for publication in the January 5, 2005, Administrative Bulletin.** *Motion carried unanimously.*

**M/S (Howard/Thilo): To approve a rule by reference, i.e., the Standards for Idaho School Buses and Operations – August 13, 2004, as amended.** *Motion carried unanimously.*

8. Approval of Pending Rules Governing Thoroughness – Professional Standards – Docket No. 08-0202-0405

Dr. Howard briefly explained the value of the standards.

**M/S (Howard/Lewis): To approve the request by the Professional Standards Commission as submitted and specifically defined in Attachment 1.** *Motion carried unanimously.*

**M/S (Howard/Thilo): To approve the request by the Professional Standards Committee as submitted and specifically defined in Attachments 1-4.** *Motion carried unanimously.*

9. Approval of Pending Rules Governing Thoroughness – Public Driving Schools – Docket No. 08-0202-0407

There was discussion about this rule and it was noted that section 1.4 having to do with late enrollment should be consistent with what was previously discussed. Board President Lewis recommended that the Department of Education review these standards to make them consistent to the amendments in the commercial driving school standards.

**M/S (Terrell/Lewis): To table this item with instructions to State Department of Education to review the rule and make it consistent with the commercial driving school standards.**

*Motion carried unanimously.*

10. Approval of Pending Rules Governing Thoroughness – Accreditation – Docket No. 08-0202-0408

Shannon Page discussed the accreditation standards which were passed by the Board in August, 2004.

**M/S (Howard/Lewis): To approve proposed changes to IDAPA.08.02.02.140 – Accreditation.** *Motion carried unanimously.*

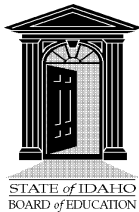
11. Approval of Pending Rules Governing Thoroughness – Payment for Teacher Preparation – Docket No. 08-0202-0409

**M/S (Howard/Agidius): To approve the addition to Idaho State Board of Education Rule 08.02.02.100 as recommended by the Professional Standards Commission.** *Motion carried unanimously.*

**OTHER / NEW BUSINESS**

Board President Lewis noted that three items were deferred and need to be considered prior to November 17, 2004. Board staff will set the date and time. Board members were in agreement that Tuesday, November 16, 2004, after 4:00 p.m., would work for the majority.

**M/S (Agidius/Thilo): To adjourn the meeting at 10:23 a.m.** *Motion carried unanimously.*



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

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**DRAFT MINUTES  
STATE BOARD OF EDUCATION MEETING  
November 16, 2004  
J.R. Williams Building  
East Conference Room  
Boise, ID**

A special meeting of the Idaho State Board of Education was held on November 16, 2004 in Boise, Idaho. Board President Rod Lewis presided. The following members were present in person or by conference phone:

Rod Lewis, President  
Blake Hall  
Susan Thilo

Milford Terrell, Secretary  
Karen McGee  
Marilyn Howard

The meeting was called to order at 4:00 p.m. on November 16, 2004 by Board President Lewis. A roll call was taken to confirm the attendance.

## **BOARDWORK**

### 1. Agenda Approval

**M/S (Lewis/Terrell): To change the order of the agenda by considering the charter school rule first.** *Motion carried unanimously.*

## **STATE BOARD OF EDUCATION PENDING RULES**

### 2. Approval of Pending Rules and Amendment to Temporary Rules Governing Charter Schools – Docket No. 08-0204-0401 and 08-0204-

Board President Lewis opened the floor for discussion of this item. Board member Terrell reported that he has received several comments concerning this rule suggesting that it lacks



clarity as well as the possibility that some important things are missing from the rule. He also noted that he was unclear about some of the edits in the rule. For those reasons, he recommended that action on this rule be delayed until it could be studied in more depth by a subcommittee appointed by Board President Lewis.

Board member Hall indicated that he understood the rule as it was written, but was willing to wait on a final decision to give others more time, if that was the desire of the Board.

Board member McGee said she had also heard some comments of concern regarding the rule and that it was missing some things, such as dual enrollment.

State Superintendent Howard recommended approving the rule and amending it at a future time if necessary.

Board President Lewis asked Board staff to provide information about the rule process should this rule not be approved.

Karen Echeverria, Office of the State Board, reported that there are temporary rules in place which were adopted at the August, 2004, Board meeting. She went on to discuss the options available to the Board on handling the temporary rule. One would be to submit it to the Legislature with a request for an extension. Another would be to not submit it to the Legislature, understanding that it would stay in place until the end of the 2005 Legislative Session. In that scenario, the Board could use the interim to study and amend the temporary rule, and adopt the pending rule while the Legislature is in session. Should that be the case, the rule would remain in place until the end of 2005 and could be submitted to the 2006 Legislature for final approval.

Board members Terrell and McGee reiterated that they have heard concerns about the rule from the charter school representatives. Board member Terrell indicated that the rules are unclear and incomplete in the view of some people. They both went on to encourage the Board to allow more time for scrutiny so that the best interests of the public are served.

Board member Thilo asked for further clarification and Board President Lewis responded. It was noted by Board staff that another public hearing would be required if there are substantive changes to the rule.

**M/S (Terrell/McGee): To have the President of the SBOE put together a three-Board-member committee, with staff, to review, with public comments, and amend Pending Rules and Amendment to Temporary Rules Governing Charter Schools. Motion carried 3-1 with 2 abstentions (Voting Yes -- McGee, Lewis and Terrell; Voting No -- Howard; Abstaining: Hall and Thilo).**

1. Approval of Pending Rules Governing Thoroughness – Failure to Meet AYP – Docket No. 08-0203-0402

Carissa Miller, Office of the State Board, briefly explained that the rule, which was modeled on the federal law, now has specific reference to the federal law in reference to eligible child, corrective action and choice. This language was added in follow-up to the questions posed at the November 12, 2004 Board meeting.

**M/S (McGee/Terrell): To approve the Pending Rules Governing Thoroughness – Failure to Meet AYP – Docket No. 08-0203-0402.** *Motion carried unanimously.*

3. Approval of Pending Rules Governing Thoroughness – Public Driving Schools – Docket No. 08-0202-0407

Karen Echeverria introduced Ms. Weaver, State Department of Education, and noted that the Department is agreeable to the changes proposed at the November 12, 2004 meeting of the Board having to do with removal of the nighttime driving hours for students and the late enrollment issue.

**M/S (Lewis/Howard): To approve the Pending Rules Governing Thoroughness – Public Driving Schools – Docket No. 08-0202-0407; and approve the manual incorporated therein by reference with amendments, including Sections 1.4.1 and 1.5.4, to be consistent with those amendments made in the State Board Rules for Commercial Driving Schools.** *Motion carried unanimously.*

At this time, the Board returned to the temporary Charter School rules. There was some question as to whether or not the original motion had sufficient votes to pass. Following brief discussion, and there being no additional debate, another motion was put forward.

**M/S (Howard/Hall): To approve the Pending Rule, Amendment to Temporary Rules Governing Public Charter Schools.** *Motion failed 2-4 (Nay: McGee, Terrell, Thilo, Lewis).*

Board President Lewis appointed Board members Terrell, McGee and Stone to serve on a subcommittee to review the Proposed Rules Governing Charter Schools; and to incorporate, as they feel appropriate, changes arising from public comment; and to bring those back to the Board before the closure of the 2005 Legislative session for approval by the Board as a new Temporary Rule.

**M/S (Thilo/Terrell): To adjourn at 4:45 p.m.** *Motion carried unanimously.*