PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS JANUARY 24-25, 2005

TAB	DESCRIPTION	ACTION
1	President's Council Report	Information Item
2	Item Removed from the Agenda	Information Item
3	Alcohol Permits Approved by College and University Presidents	Information Item
4	Legislation to Amend Idaho Code Section 33- 3717 Relating to Tuition at State Institutions	Motion to Approve
5	Office of Performance Evaluations Report on Strategic Planning and Performance Measurement	Information Item
6	Clarification of IDAPA 08.02.02.045 - Computer Based Alternative Routes	Motion to Approve

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President's Council Report

APPLICABLE STATUTE, RULE, OR POLICY

N/A

BACKGROUND

Monthly report given by the President of the President's Council.

DISCUSSION

IMPACT

STAFF COMMENTS AND RECOMMENDATIONS

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

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Boise State University Progress Report

BACKGROUND

Annually, the institutions of higher education in the State of Idaho are required to provide a progress report to the members of the State Board of Education. It has been approximately one year since Boise State University has supplied an overview of its status and accomplishments.

DISCUSSION

President Bob Kustra will be in attendance at the meeting and present a summary of the accomplishments and future goals of the university.

IMPACT

President Kustra's presentation will provide State Board members and others with current information about Boise State University.

STAFF COMMENTS AND RECOMMENDATIONS

Staff offers no comments or recommendations.

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

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Alcohol Permits Approved by University Presidents

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures, I.J.2.b.

BACKGROUND

In June of 2004, the State Board of Education adopted a new policy governing the use of alcohol on campus. The chief executive officer of each institution, or his or her designee, may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with this policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

DISCUSSION

Board staff has received 19 permits from Boise State University, 2 permits from Idaho State University, and 17 permits from the University of Idaho. Board staff has prepared a brief listing of the permits issued from June 2004 through January 2005 and it is attached for the Board's review.

IMPACT

N/A

STAFF COMMENTS AND RECOMMENDATIONS

State Board staff offers no comments or recommendations.

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

APPROVED ALCOHOL SERVICE AT BOISE STATE UNIVERSITY

JUNE 2004 - JANUARY 2005

EVENT	LOCATION	DATE (S)
The Producers	Morrison Center	September 15-19
Boise Philharmonic	Morrison Center	September 25
Boise State Football	"Broncoville" – Grass field, north end of stadium	Home Games (9/4, 9/10, 9/24, 10/2, 10/23, 10/29, 11/20)
BAA Athletic Hall of Fame Event	SUB—Jordan Ballroom	September 30
Midsummer Night's Dream	Morrison Center	October 16
U.S. Marine Band	Morrison Center	October 22
Ju-Young Baek, Philharmonic	Morrison Center	October 23
Reception for Researchers	Student Union Building	November 3
Nosferatu—Opera Idaho	Morrison Center	November 6
Football Kickoff/ Cingular Wireless	Student Union Building	November 8
Mark Chesnutt (country concert)	Taco Bell Arena	November 15
Smokey Joe's Cafe	Morrison Center	November 16-18
Neighborhood Research Dinner	Student Union Building	November 18
Boise Philharmonic	Morrison Center	November 20
Jim Brickman Holiday Concert	Morrison Center	December 1
Nutcracker—Ballet Idaho	Morrison Center	December 11, 12
Culinary Students Graduation Dinner	Boise State Culinary Building	December 13
VIP Holiday Social	Allen Noble Hall of Fame	December 18
Winter Reception	Student Union Building	January 7 (2005)

APPROVED ALCOHOL SERVICE AT IDAHO STATE UNIVERSITY

JUNE 2004 - JANUARY 2005

EVENT	LOCATION	DATE (S)
Annual Potlatch Event (Student Anthropology Club)	Alumni House	December 4
Museum Mystery Dinner Theater	Idaho Museum of Natural History	January 21, 22 (2005)

APPROVED ALCOHOL SERVICE AT UNIVERSITY OF IDAHO

JUNE 2004 - JANUARY 2005

EVENT	LOCATION	DATE (S)
Scholarship Fundraiser	University of Idaho golf course	June 21
IRT President's Pre-show Reception	Prichard Art Gallery	July 27
Wedding	Student Union Ballroom	July 31
Fundraiser	University of Idaho golf course	August 28
Chamber Music Pre-show reception	President's Office, Administration Building	September 21
National Land Grant Conference	Prichard Art Gallery	September 24
National Land Grant Conference	Idaho Commons	September 25
WSU Baseball Fundraiser	University of Idaho golf course	October 3
"My Way" — Idaho Repertory Theatre	Administration Auditorium	October 9
UI Alumni Association—Board of Directors Dinner	Alumni Lounge	November 3
Gem, Syringa, Idaho Society Donor—Reception	Memorial Gym	November 4

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UIAA Board of Directors Social	University of Idaho golf course	November 5
Idaho State Bar/Law Faculty Dinner and Reception	Quiet Room, Wallace Complex	November 9
Faculty Holiday Dinner/Dance	Student Union Ballroom	December 3
Dining Services Holiday Dinner	SUB Gold and Silver Rooms	December 11
Auxiliary Services Holiday Party	Bogey's Grill	December 21
2004 Fall Sports Banquet	University of Idaho Kibbie Dome/Cowan Spectrum	January 28 (2005)

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS JANUARY 24-24, 2005

REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education GOVERNING POLICIES AND PROCEDURES SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES J. Use of Institutional Facilities and Services

June 2004

2. Possession, Consumption, and Sale of Alcohol Beverages at Institutional Facilities

Each institution shall maintain a policy providing for an institutional Alcohol b. Beverage Permit process. For purposes of this policy, the term "alcoholic beverage" shall include any beverage containing alcoholic liquor as defined in Idaho Code Section 23-105. Waiver of the prohibition against possession or consumption of alcoholic beverages shall be evidenced by issuance of a written Alcohol Beverage Permit issued by the CEO of the institution (or the CEO's designee) which may be issued only in response to a completed written application therefore. Staff of the State Board of Education shall prepare and make available to the institutions the form for an Alcohol Beverage Permit and the form for an Application for Alcohol Beverage Permit which are consistent with this Policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting. An Alcohol Beverage Permit may only be issued to allow the sale or consumption of alcoholic beverages on public use areas of the campus grounds provided that all of the following minimum conditions shall be met. An institution may develop and apply additional, more restrictive, requirements for the issuance of an Alcohol Beverage Permit.

Legislation to amend Idaho Code Section 33-3717, Idaho Code relating to tuition at State Institutions

APPLICABLE STATUTE, RULE OR POLICY

Idaho Code §33-3717

BACKGROUND

This item is proposed legislation that would eliminate the prohibition from charging tuition for full-time resident students attending Boise State University, Idaho State University and Lewis Clark State College. The University of Idaho is not included because the tuition prohibition for the University of Idaho is detailed in the corporate charter of the University that is incorporated into the Idaho constitution and cannot be changed by statute.

Idaho law provides a clear distinction between "tuition" and "student fees." Tuition is defined as the cost of instruction at the college and universities. Thus, it includes the cost of faculty salaries and other items related directly to the delivery of education to the students. Excluded from that definition are non-instructional costs. Specifically, the cost of the maintenance and operation of the physical plant, institutional support and student services. Examples include the grounds keeping, parking, registrar services, financial aid operations, and other items that are necessary and complementary to, but are not a direct part of, the delivery of the instruction. The matriculation fee, and other student fees, are used to cover only these types of costs.

DISCUSSION

The current fee structure requires that fees collected from students can only be used for designated purposes. The legislative proposal is that student fees could also be used to support educational and instructional costs. This allows a direct link between what the students are paying and the education they receive. It also allows the universities to be responsive to the academic needs and demands of students to deliver the courses and programs that they want to take.

The legislation would allow the State Board of Education to set rates of tuition and fees at the three institutions. The distinction between tuition and fees still exists since some fees (bonded facility fees, application fees, activity fees, transcript fees, etc) would still exist. In other words, not all the annual cost to the student would go to tuition, some would still be directed to other areas.

IMPACT

PPGAC

Approval of this amendment by the legislature would permit the Board to authorize tuition at Boise State University, Idaho State University, and Lewis-Clark State College.

STAFF COMMENTS AND RECOMMENDATIONS

Staff offers no comments or recommendations at this time.

BOARD ACTION

A motion to approve the endorsement of the legislation to remove the tuition prohibition from Idaho Code Section 33-3717.

Moved by_____ Seconded by_____ Carried Yes___ No____

TITLE 33 - EDUCATION CHAPTER 37 - MISCELLANEOUS PROVISIONS RELATING TO STATE INSTITUTIONS OF LEARNING

33-3717. TUITION AT STATE COLLEGES AND UNIVERSITIES NOT REQUIRED EXCEPTIONS.

(1) The state board of education and board of regents of the university of Idaho shall be vested with the authority to prescribe rates of tuition and fees for all students enrolled in all state colleges and universities except as provided in subsection (2) below at the university of Idaho.

(42) Any student who shall be a full time regularly enrolled resident student in any degree granting program at a state college or university now or hereafter established <u>the</u> <u>university of Idaho</u> shall not be required to pay tuition in said college or university, excepting in a professional college, school, or department, or for extra studies or for part-time enrollment. <u>The state board of education and board of regents of the university</u> of Idaho may prescribe fees for all students at the university of Idaho.

(3) The state board of education and board of regents for the University of Idaho may prescribe rates of tuition and fees for nonresident students, and shall adopt uniform regulations policies, including a standard definitions of a full time regularly enrolled student, applicable to all said state colleges and universities.

(4) As used in this section, the following terms shall mean:

(a) Tuition shall be defined as the cost of instruction at the colleges and universities. The cost of instruction shall not include those costs associated with said colleges and universities, such as maintenance and operation of physical plant, student services and institutional support, which are complementary to, but not a part of the instructional program.

(b) Matriculation f<u>Fees</u> shall be defined as the fee charged to students for educational costs excluding the cost of instruction. The state board of education and board of regents for the University of Idaho may prescribe matriculation fees for resident students.

(c) Terms used in this subsection shall be defined as they are defined in the Idaho College and Universities Statewide Cost Study: General Education Funds (Final Costs Analysis).

(25) For purposes of this section, a resident student is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho. Domicile, in the case of a parent or guardian, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardian must have maintained a bona fide domicile in the state of Idaho for at least one (1) year prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians who are not residents of this state for

voting purposes, but which student has continuously resided in the state of Idaho for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university and who has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(c) Subject to subsection (36) of this section, any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of the student's parent or guardian.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.

(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(f) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose that residence when the student's parent or guardian is transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(i) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of tuition at institutions of higher education: Members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho:

- (i) Coeur d'Alene tribe;
- (ii) Shoshone-Paiute tribes;
- (iii) Nez Perce tribe;
- (iv) Shoshone-Bannock tribes;
- (v) Kootenai tribe.

(36) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (2) of this section, and shall include:

(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.

(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(4<u>7</u>) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to the following factors:

(a) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of a state tax or fee is required.

(b) Filing of Idaho state income tax returns.

(c) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho.

(d) Registration to vote for state elected officials in Idaho at a general election. (58) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.

(69) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

 $(7\underline{10})$ Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.

(8<u>11</u>) Nothing contained in this act shall apply to <u>junior</u>-<u>community</u> colleges now or hereafter established <u>pursuant to title 33, chapter 21, Idaho code</u>, or to post-secondary vocational <u>professional</u>-technical schools now or hereafter established not connected to or a part of a state college or university.

(912) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(1013) For students who apply for special graduate and professional programs including, but not limited to the WAMI (Washington, Alaska, Montana, Idaho) Regional Medical Program, the WICHE Student Exchange Programs, Creighton University School of Dental Science, the University of Utah College of Medicine, and the Washington, Oregon, Idaho (WOI) Regional Program in Veterinary Medical Education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date.

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Office of Performance of Evaluations Report on Strategic Planning and Performance Measurement

APPLICABLE STATUTE, RULE, OR POLICY

N/A

BACKGROUND

The Joint Legislative Oversight Committee directed the Office of Performance Evaluation (OPE) to conduct an evaluation of the effectiveness of the State of Idaho's strategic planning and performance measurements and to make suggestions for improvement. The Office of the State Board of Education was chosen as one of the state agencies to take part in the evaluation process.

DISCUSSION

OPE has completed their study on strategic planning and performance measures in the state of Idaho. The report was released in December 2004. OPE will be making a presentation to the Board about their findings.

OPE made five recommendations in their report. They are:

- 1. The Legislature should consider requiring agencies to adhere to the following practices when developing the performance information:
 - a. Report a limited number of key measures (5-10) of agency performance, with more measures granted at the discretion of the germane committee chairs for large or complex agencies
 - b. Identify benchmarks for comparison with actual performance results, and provide brief explanations for any variances from intended results
 - c. Attest to the accuracy of the data, and maintain documentation supporting the reported information
- 2. The Legislature should consider revising the statutes to establish a formal mechanism for germane committees to invite related agencies to present long-term goals and key performance measures to the committee. Such presentations could take place at a joint meeting of the Senate and House germane committees, and could occur either at the beginning of legislative session or in interim committee meetings. This process should:
 - a. Be based on the written report of agency annual key performance measures that is submitted to the Division of Financial Management and legislative Budget and Policy Analysis
 - b. Include the opportunity for agencies and legislators to discuss the usefulness and adequacy of performance information and decide if changes are necessary
 - c. Require agencies to provide basic program information such as statutory authority, revenues, expenditures, and caseloads or service

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levels, in addition to information reflecting agency progress toward achieving program goals

- d. Ensure the performance information for all agencies is formally communicated to legislative Budget and Policy analysis staff and the Joint Finance Appropriations Committee for their use in budget decisions
- 3. The Legislature should consider authorizing legislative staff to develop, with assistance from outside consultants if necessary, training for legislators on the use of strategic planning and performance measurement information.
- 4. The Legislature should consider authorizing the Division of Financial Management to coordinate statewide training for agency personnel on the development, use, and reporting of strategic planning and performance measurement information
- 5. The Legislature may wish to consider investing additional resources to enable legislative staff to conduct reviews to assess the accuracy, adequacy, and relevance of the reported performance information. The results of such reviews would be communicated to respective germane committees and the Joint Finance Appropriation Committee, and would also provide feedback to the agencies.

A copy of the entire report can be obtained on the OPE website at: http://www2.state.id.us/ope

IMPACT

N/A

STAFF COMMENTS AND RECOMMENDATIONS

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

REFERENCE

November 12, 2004

March 11-12, 2004

The Board adopted the pending and amended temporary rule

The Board adopted the temporary and proposed rule

SUBJECT

Clarification of Intent of IDAPA 08.02.02.045 – Computer Based Alternative Route to Teacher Certification

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, Idaho Code, Rules - Executive Department

BACKGROUND

The Board adopted the Computer Based Alternative Route to Teacher Certification rule as a temporary rule at the March meeting and approved the rule as a pending and amended temporary rule at their November meeting.

In December, it came to the attention of the Board's staff that the rule was being interpreted in manner that is not consistent with the Board's original intention.

DISCUSSION

The rule is being interpreted to say that a teacher who is already certified in one content area cannot use the computer based alternative route to become certified in another content area. For instance, a certified math teacher could not use this route to become a certified science teacher.

IMPACT

If the Board wishes to allow teachers certified in one content area to obtain certification in other content areas, the Board will need to clarify the initial intent of the rule. Without that clarification, teachers are currently being denied that ability through the computer based alternative route.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends clarification of the Board's intent of the rule so that teachers certified in one content area are able to obtain certification in another content area using the computer based alternative route. Staff further recommends that the Board direct staff to amend the rule so that the intent is more clearly defined.

BOARD ACTION

A motion to clarify the intent of the rule so that teachers certified in one content area are able to obtain certification in another content area using the computer based alternative route and to direct Board staff to amend the rule so that the intent is more clearly defined.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

045. Computer Based Alternative Route To Teacher Certification.

An individual may acquire interim certification as found in Section 015 of these rules through a computer based alternative route certification program. (3-12-04)T

01. Approval Of The Program. The State Board of Education must approve any computer based alternative route to teacher certification. The program must include, at a minimum, the following components: (3-12-04)T

- **a.** Preassessment of teaching and content knowledge; (3-12-04)T
- <u>b.</u> An academic advisor with knowledge of the prescribed instruction area; and (3-12-04)T
- c. Exams of pedagogy and content knowledge. (3-12-04)T

<u>02.</u> <u>Eligibility.</u> Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (3-12-04)T

03. Requirements For Completion. To complete this alternative route, the individual must: (3-12-04)T

- a. Complete a Board approved program; (3-12-04)T
- **b.** Pass the Board approved pedagogy and content knowledge exams; and (3-12-04)T
- <u>c.</u> Complete the Idaho Department of Education Criminal History Check. (3-12-04)T

04. Interim Certificate. Upon completion of the computer based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the first two (2) years term of the interim certificatione, teaching by the individual must be done through in conjunction with a two (2) year teacher mentoring program approved by the Board. Continued teaching shall be subject to successful completion of the (2) year teacher mentoring program during the term of the interim certificate and it may be completed after standard certification is granted. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (3-12-04)T(11-12-04)T

05. Interim Certificate Not Renewable. Interim certification hereunder is only available on a one time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term.

<u>(3-12-04)T</u>

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REFERENCE – APPLICABLE STATUTE, RULE, OR POLICY

TITLE 33 EDUCATION CHAPTER 1 STATE BOARD OF EDUCATION

33-105. RULES -- EXECUTIVE DEPARTMENT. (1) The state board shall have power to make rules for its own government and the government of its executive departments and offices; and, upon recommendations of its executive officers, to appoint to said departments and offices such specialists, clerks and other employees as the execution of duties may require, to fix their salaries and assign their duties.