



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
March 9-10, 2005
Lookout Room, Boise State University
Boise, Idaho**

An Executive Session of the Idaho State Board of Education was held on March 9, 2005 at 4:30 p.m. in the East Conference Room of the J.R. Williams Building in Boise, Idaho. The following members were present:

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

EXECUTIVE SESSION

M/S (McGee/Stone): To move into executive session pursuant to Idaho Code Section 67-2345(1) at 4:30 p.m. on March 9, 2005 in the East Conference Room of the J.R. Williams Building in Boise, Idaho. Motion passed 7-0 (Howard was not present during the vote, but joined the meeting immediately after).

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 negotiation 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; and considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

The regular meeting of the Board convened on March 10, 2005 in the Lookout Room at Boise State University Student Union Building. Board President Rod Lewis was delayed in attending, so Vice President Laird Stone called the meeting to order at 8:10 a.m.

BOARDWORK

1. Agenda Approval

M/S (Hall/Terrell): To amend the agenda by moving item #10 of the Policy, Planning and Governmental Affairs agenda to just before the Open Forum. Motion carried 7-0 (Lewis not present).

M/S (Hall/Terrell): To approve the agenda as amended. Motion carried 7-0.

2. Rolling Calendar

M/S (Hall/Agidius): To approve March 9-10, 2006, as the dates and Boise State University as the location for the March 2006 regularly scheduled Board meeting. Motion carried 7-0.

M/S (Hall/McGee): To approve May 19, 2005, as the date and Boise, Idaho as the location for the annual Board Retreat. Motion carried 7-0.

3. Minutes Review/Approval

M/S (Terrell/Thilo): To approve the minutes from January 24, 2005 and February 3, 2005 as submitted. Motion carried 7-0.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

10. Educational Needs at the Idaho School for the Deaf and the Blind

Senator Hal Bunderson spoke to the Board about issues concerning the School for the Deaf and the Blind, and the level of services the state currently provides to all of its deaf children. He discussed the culture and philosophy of the ISDB. He raised questions related to funding and talked about the potential of technology to provide other means of treatment. He emphasized the responsibility the state has to provide access, funding and treatment options to the families of deaf children. He encouraged the Board to look at the current education infrastructure and consider what changes need to be made to improve services as well as to move the system forward so that constraints are removed. He encouraged the Board to evaluate the cost structure and to give consideration to technology (current and future) that makes it possible to deliver services beyond the walls of the ISDB campus. He advised that there are many advantages in having a deaf child remain in his or her home rather than being institutionalized. He prompted the Board to form a committee to ask what can be done to make things better for the deaf students in Idaho.

OPEN FORUM

Lesa Coleman, Idaho Sound Beginnings Board, spoke to the Board about the needs of her own deaf children. She noted that the amount of money it takes to house students in one location (ISDB) makes it impossible to serve the needs of other students throughout the state. She

discussed the negative effects of removing children from their homes, their communities, and their local environments. She encouraged the Board to consider how changes in the system could improve the services that are available to children outside of the residential system. She spoke of three advances in providing treatment and services to the deaf – newborn hearing screening, cochlear implants, and oral therapy – that can help children learn and be successful beyond just learning sign language. She noted that ISDB focuses its funding and its efforts on sign language. She said the current system directs all funding to the ISDB, so that other services in other communities are not available, depriving children of other options. She expressed frustration that there is no oral rehabilitation therapy program and explained the necessity of such therapy for those who have received cochlear implants. She pointed out the ISDB houses 40 students which is a very small portion of the total number of deaf children in the state who need services.

Board members discussed various challenges in meeting the needs of the deaf and the blind children of the state. Ms. Coleman indicated there is a need in Idaho for more oral therapists in the state along with a need for training for people who want to become oral therapists. She agreed the philosophical base at ISDB needs to change, but reiterated her view that unless the funding directive changes, the philosophy won't change.

Board member McGee suggested that the Board put together a group to look at this issue more closely.

Dr. Mark Miller, physician and parent, spoke to the Board about the frustration his family has experienced in trying to find oral therapy services in Idaho for his deaf son. He suggested that the approach of teaching deaf children English as their first language, rather than sign language, needs to be an option that is available to deaf children and their parents. He noted that while cochlear implants have been available in Idaho since the 1990's, the availability of oral therapy has never caught up to the need. There is one program in the Boise area (an oral-preschool program) and though ISDB provides very limited funding support to the program, the program is not able to adequately compensate the teachers. This puts the program at risk because the teachers leave for higher paying jobs. He noted that there is no program available to teach parents how to orally train their children. The philosophy bias limits what the ISDB is willing to do. He recommends a steering committee to plan, long-term, on how to meet the needs of deaf children in Idaho. He encouraged the Board to consider making significant changes in the system so that all deaf children benefit, not just a few. He asked for an overhaul of the entire ISDB strategic plan and that the plan specifically detail other therapy options besides sign language.

The Board thanked Dr. Miller for his comments and agreed to form a committee to study the issues.

Autumn Hansen, ASUI, spoke to the Board about the impact of recent budget cuts. She indicated that University of Idaho students support a fee increase so that the ASUI can continue to function and be a positive influence on the lives of the UI students. The students desire to be a quality institution with successful students.

CONSENT AGENDA

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

M/S (Terrell/ McGee): To approve the Board's consent agenda items numbered 1-6.
Motion carried 7-0.

1. Update on English Language Proficiency Test

Information item.

2. Ratification of the Utah Medical Contract

By consent, the Board approved the ratification of the four-year contract between the University of Utah School of Medicine and the State Board of Education.

3. Boise State University – New Positions and Changes to Positions

By consent, the Board approved the request by Boise State University for eighteen (18) new positions (17.0 FTE) and salary and FTE changes to two (2) positions (1.25 to 1.75 FTE).

4. Idaho State University – New Positions

By consent, the Board approved the request by Idaho State University for seven (7) new positions (6.8 FTE) supported by state, grant and local funds.

5. University of Idaho – New Positions and Changes to Positions

By consent, the Board approved the request by University of Idaho for one (1) new classified position (1.0 FTE) supported by non-state funds, and to delete one (1) faculty and two (2) classified positions.

6. Lewis Clark State College – New Positions and Deletion of Position

By consent, the Board approved a request by Lewis Clark State College for two (2) new positions (2.0 FTE) and one (1) position increase in FTE (.5 to 1.0 FTE), all supported by state appropriated funds.

INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS

1. First Reading – Amendment to Board Policy, Section III.G. – Program Approval and Discontinuance

Board member Stone indicated this amendment clarifies the current policy.

M/S (Terrell/Agidius): To approve the first reading of the amendment to Board Policy Section III.G., Program Approval and Discontinuance. Motion carried 7-0

2. First Reading – Amendment to Board Policy, Section III.Z. – Delivery of Postsecondary Education

Board member Stone noted that this amendment clarifies the current policy.

M/S (Hall/McGee): To approve the first reading of the amendment to Board Policy Section III.Z., Delivery of Postsecondary Education to include a provision for notifying the Board and any oversight or advisory council in the region at the same time the designated or partnering institution provides notification to withdraw a program. Motion carried 7-0.

3. First Reading – Amendment to Board Policy, Section III.W. – Higher Education Research Council

Board member Stone indicated this amendment clarifies the current policy. Marilyn Davis, Board Office staff, noted this rule change makes the HERC bylaws and the Board policy one-in-the-same. It also makes the HERC policy reflect current practices.

M/S (Terrell/Thilo): To approve the First Reading of Board Policy III.W., Higher Education Research Council Policy. Motion carried 7-0.

4. Approval of Temporary and Proposed Rule – Computer Based Alternative Routes

Marilyn Davis noted this item is a follow-up on the discussion at the January Board meeting and the proposed change clarifies the Board's intent.

Board member McGee asked for an update on communicating the Board's intent on alternative routes to the school districts. Marilyn Davis indicated that Board staff was working with the Department of Education to make sure the districts receive correct information.

Dr. Howard asked that the Board be kept informed of the new tests coming out from vendors. Board member McGee encouraged the higher education institutions to consider offering this type of option to qualified teachers.

M/S (McGee/Agidius): To adopt a proposed and temporary rule to clarify that currently certified teachers may add additional certificates or endorsements through the computer alternative based route. Motion carried 7-0.

The Board agreed, by unanimous consent, to move to the Business Affairs and Human Resources agenda at this time.

BUSINESS AFFAIRS AND HUMAN RESOURCES

Section I – Human Resources

1. Boise State University – Head Football Coach Contract – Amendment Ratification

President Bob Kustra discussed the amendment in the contract, particularly concerning the amount of liquidated damages should the coach leave before his contract ends.

M/S (Hall/Thilo): To approve the request by Boise State University for approval of the Addendum Number 3 to the Employment Agreement for Head Football Coach Dan Hawkins. Motion carried 7-0.

2. Boise State University – Vice President of Advancement Appointment

President Bob Kustra discussed the recent search by Boise State University to find a person to fill the position of Vice President for University Advancement at BSU. He summarized Mr. Frisch's credentials.

M/S (Thilo/Agidius): To approve the request by Boise State University for approval of the terms of employment for Richard Frisch as Vice President for University Advancement, at an annual salary of \$165,000. A vehicle will also be provided through the Athletic Department "trade-out" program. Motion carried 7-0.

3. Idaho State University – Head Football Coach Contract

This item was pulled from the agenda.

Section II – Finance

1. Boise State University – Indoor Practice Facility – Request to Proceed with Design-Build

At this time, Board member Terrell read the following statement: *"Mr. President and members of the Board, pursuant to the Board Policy and Idaho's ethics statutes, I may have a real or potential conflict of interest on the next matter as a result of my business affiliation. As you are aware, I am the president and owner of DeBest Plumbing, and I am determining whether to submit a proposal for consideration by the design-build team. Accordingly, I wish to disclose my interests and to recuse myself from consideration in this matter. I have not participated in consideration of this matter to this point, and I do not intend to participate further, and I am asking to be excused from any debate and voting on this matter."*

Gene Bleymaier and Stacy Pearson, Boise State College Vice President of Finance and Administration, presented this item to the Board. Board member Hall expressed concern that BSU was asking the Board to authorize the issuance of the RFP and to approve the award of the design contract at the same time. Such an approach makes it impossible for the Board to know

what the cost of the project will be before it approves it. Board member Agidius expressed concern about combining the two steps as well.

Ms. Pearson said that BSU will bring all the information the Board needs to consider the RFP to the meeting in April. She gave assurance that without the Board's approval of the RFP, the design team will not move forward.

M/S (Agidius/McGee): To approve that Boise State University, in conjunction with the State Division of Public Works, issue a Request for Proposals (RFP) for selection of a design-build team to design and construct the Indoor Practice Facility. Motion carried 6-0 (Terrell recused himself).

2. University of Idaho – UI Foundation Project

Laura Hubbard, University of Idaho, provided an update on work being conducted to evaluate university-foundation governance matters and the process for completing the work. She noted that a proposal would be presented to the Board in April.

Board member Agidius indicated that information had been distributed to Board members previously. Board member Terrell suggested that the Board will want input from all the institutions. He asked that all the presidents receive a copy of the information prior to the April Board meeting. Board member Agidius agreed to email that information to the presidents. He also asked that Board members make comments back to him if they have any concerns.

Board member Thilo expressed appreciation to the University of Idaho for their work in addressing this issue.

3. Lewis-Clark State College – New Residence Hall – Request to Acquire Facility

Ron Smith, Lewis Clark State College Administrative Services, and President Dene Thomas discussed this proposal with the Board. Mr. Smith summarized the request and thanked Board member Hall for his recommendations.

M/S (Agidius/Hall): To approve Lewis-Clark State College to move forward, in cooperation with the Division of Public Works, with planning for a new residence hall for the College, to be financed with tax-exempt bonds. Motion carried 7-0.

4. Lewis-Clark State College – Property Purchase

Ron Smith, LCSC, reported that this will be the eleventh property on that particular block the college has acquired, leaving only two more. While this area could be used for a residence hall, two other sites are under consideration as well.

M/S (Hall/McGee): To approve the purchase of property located at 1011 6th Street, Lewiston, Idaho, for the appraised value of \$105,000, and to delegate signature authority in

regard to such transaction to the Vice President for Administrative Services at Lewis-Clark State College. Motion carried 7-0.

5. Amendment of Board Policy – Section V.S.2.b.(4) – Enrollment Workload Adjustment – Weight Factors – First Reading

Jeff Shinn, Board Office staff, briefly provided background on Enrollment Workload Adjustment and the weight factors used to calculate EWA. This amendment updates the weight factors.

Board member Terrell expressed concerns about funding equity . Jeff Shinn pointed out that the Joint Finance and Appropriations Committee has suggested they do not want to see funding equity in the future.

Board member Hall noted that a funding equity plan had been developed by the Board and provided to the Legislature for the last three years. He agreed the Board will have to reconsider how to accomplish funding equity at another time.

Board member Terrell clarified that Division of Financial Management and the Governor's Office have supported funding equity. The Joint Finance and Appropriations Committee has not.

M/S (Agidius/McGee): To approve the first reading of changes to Idaho State Board of Education Governing Policies and Procedures, Section V.S.2., Allocation of Lump Sum Appropriation (BSU, ISU, UI, LCSC) to update the weighting factors used in the enrollment workload adjustment calculation. Motion carried 7-0.

6. University of Idaho – Professional Services Expenditures Per Board Policy V.I 3.a.

M/S (Hall/Agidius): To approve the request for authorization for professional services reference herein. Motion carried 7-0.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

1. Presidents' Council Report

President Bob Kustra presented the Presidents' Council report to the Board. He discussed some of the challenges the institutions currently face including the lack of funding for salary increases, proposed reduction in student aid, and human resource requirements. Director Heilman of the Department of Human Resources presented the institutions with a proposal addressing their H.R. concerns, and the presidents look forward to working with her to finalize a plan.

President Tim White underscored the issue of compensation saying it is a crisis that puts the institutions, the students, and the state in a bad situation.

President Richard Bowen noted that past cuts have left the institutions in a bad situation already. The lack of significant increases for faculty is serious. The institutions will have to find the money from within which will cause great disruption to the functioning of the institutions.

Dr. Howard reiterated what the presidents said and shared their concerns regarding the lack of salary dollars. She indicated that the next year may be even worse given the economic forecast.

2. Boise State University – Progress Report

President Bob Kustra presented BSU's progress report to the Board. He summarized current efforts and future plans of the institution, highlighted the BSU West Campus project, and discussed new academic programs, the addition of more graduate programs, and the implementation of new initiatives to attract new students.

At this time, Board member Hall, hearing no objections deferred items 3-5 of the PPGAC agenda until after item 9.

6. First Reading – Amendment to Board Policy I.J.2.b. – Use of Institutional Facilities and Services with Regard to the Private Sector

Karen Echeverria, Board office staff, presented this item noting the amendment clarifies the intent of the policy.

M/S (Agidius/Terrell): To approve the First Reading of the Amendment to Board Policy I.J.2.b., Use of Institutional Facilities and Services with Regard to the Private Sector.

Motion carried 7-0.

7. Approval of Temporary and Proposed Rules Governing Charter Schools

Karen Echeverria discussed this proposed rule and indicated the Senate Education Committee has shown interest in Section 203. Senator Goedde asked Ms. Echeverria to convey his recommendation to leave the language of the rule intact to allow more time for discussion.

Board member Terrell stated he had concerns with Section 203. Ms. Echeverria noted that if the Board adopts the rule as is, charter schools will be compelled to comply with the rule until the final rule comes out. She said that Section 203 has to do, in large part, with student selection lotteries. She reiterated that the Board can amend the rule at the time of the second reading.

Board member Hall suggested one of the three actions: (1) adopt the rule as it appears; (2) adopt the rule without Section 203; (3) adopt the rule that has portions of 203 and omits portions of 203. He recommended delaying further action on this item until later in the day.

The Board agreed, by unanimous consent, to come back to this agenda item later in the day.

8. Approval of Temporary and Proposed Rules Governing Commercial Driving Schools

Karen Echeverria presented this item noting that the Legislature rejected certain portions of the proposed rule that the Board approved at a previous meeting. The proposed rules before the

Board today reflect those changes. Board member Thilo reviewed the items that were removed. Ms. Echeverria suggested salvaging as much of the rule as possible, stating that several senators agreed to work with Board staff to find agreeable language.

Dr. Howard commended Karen Echeverria for her efforts in working with the Legislature to arrive at an agreeable solution regarding this rule.

M/S (Agidius/Thilo): To approve the Temporary Rules, Rules Governing Thoroughness, State Board Standards for Commercial Driving Schools and to further direct staff to immediately begin negotiations with the Commercial Driving Schools and the state Department of Education to adopt new standards for the course content outline and sequence and to negotiate time limits for classroom instruction. Motion carried 7-0.

9. Agency Dashboard Reports

Jeff Shinn introduced the Agency Heads and their representatives to the Board. Making presentations were: Harvey Lyter, Idaho School for the Deaf and the Blind; Steve Guerber, Idaho State Historical Society; Ann Joslin, Idaho State Library; Chuck Mollerup, Career Information System; Peter Morrill, Idaho Public Television; Mike Rush, Division of Professional-Technical Education; Renee Smith, Division of Vocational Rehabilitation (representing Dr. Michael Graham who is out of state on business).

Peter Morrill, IPTV, spoke about the challenges in updating and upgrading equipment. New federal requirements to close-caption all public programming obligates IPTV to close-caption all live programming which requires specialized court-reporting that isn't available in Idaho. The federal requirement becomes effective January 1, 2006 and is a significant budget item.

Ann Joslin, ISL, spoke about a thorough review of services as a result of budget cuts. The unique mission of the Idaho State Library was identified – library development. Current programs include Continuing Library Education, Institute of Museum and Library Services Grants, and Libraries Linking Idaho.

Renee Smith, IDVR, summarized a success story about helping a candidate to achieve rehabilitation goals. She noted that the population increase has brought increases in referrals and applications. This has impacted the limited resources available.

Mike Rush, IDPTE, spoke about the programs and initiatives underway at the Division of Professional-Technical Education. Enrollment increases have put a bigger demand on services. Partnerships with business and industry along with rigorous programming have helped students to make positive academic gains.

Harvey Lyter, ISDB, noted that it is state agency which serves over 750 students statewide. They have a residence campus, but the majority of students receive services outside the campus setting. ISDB faces two challenges: pay equity and acquiring and using available technology to meet the needs of the students they serve.

At this time Board member Terrell asked Mr. Lyter about the concerns expressed earlier in the meeting regarding available services for students needing oral therapy. Mr. Lyter noted that ISDB has worked with the Meridian School District for the last two years to offer an oral education program. He pointed out the first and primary responsibility for any student in the state falls to the LEA in that student's district. He noted that Senator Bunderson's recommendation to create a full campus approach is commendable, but expensive and he doubts it is feasible at this time.

Board member Hall noted that the Board received a recommendation from Senator Bunderson to appoint a committee to look at this issue and suggested waiting to discuss this until a full report has been received by the Board from that committee. Board President Lewis said a committee will be formed to include Board members Terrell and McGee as well as others yet to be named.

Steve Guerber, ISHS, reported that the broader role of the agency is to educate people about the history of the state to validate its purposes and accomplishments. He referred to survey results that show over one third of respondents believe it is important to preserve Idaho's written and physical history. He recommended that the State Board of Education members take advantage of invitations to meet with the ISHS Board of Trustees in order to have a better understanding of the agency as well as to express their expectations to the Board of Trustees.

At this time, Board member Hall asked the Board Office staff to make sure to forward all notices of meetings of the Board of Trustees to State Board members.

Chuck Mollerup, CIS, briefly summarized the work of his agency noting that CIS marks its 25th anniversary this month. CIS is the primary information resource that people in Idaho use to explore career opportunities, find work, investigate educational programs, and access scholarship information. Online assessment is available to students, school districts and college campuses. The Department of Commerce and Labor, the Division of Vocational Rehabilitation, and all the Correctional facilities use CIS services.

Board President Lewis remarked that Mr. Mollerup is retiring this summer and, on behalf of the Board, thanked him for 25 years of service as the Director of CIS.

3. Report on Alcohol Policy Waiver

Board member Hall introduced this item to the Board.

3.A. Boise State University

President Bob Kustra reported that BSU had a successful football season. BSU worked with campus security, the Boise City Police and other officials to control and manage the use of alcohol. Even with the sold-out games, greater attendance, and the increase of people within blocks of the game situation no serious issues or concerns were reported to him.

In response to questions raised by Board President Lewis, Dr. Kusta stated that the restrictions relate to activities in the stadium.

Board member Stone asked about item nine on page three of Tab 3-A and suggested raising the amount to two million. Dr. Kustra agreed to do so.

Board President Lewis suggested the nine items listed on page three of Tab 3-A should be included in the final motion. Board member Terrell indicated that there would be a total of eleven items listed in the motion as items numbered five and six of the prepared motion should also be included.

Board President Lewis expressed concerns about the written letter on page five of Tab 3-A, and suggested that indemnification, a requirement to carry insurance, the obligation to comply with policy, etc. should be included. President Kustra suggested incorporating the nine listed items noted earlier as an attachment along with the actual policy when the letter is mailed out.

M/S (Terrell/McGee): To approve the request by Boise State University to establish secure areas under the conditions set forth in this request for the purpose of allowing pre-game activities for the 2005 home football season, subject to the following terms and conditions:

- 1) A secured area surrounded by a fence to control access to and from the area.**
- 2) Four-hour duration, ending at kick-off.**
- 3) No alcohol making or distributing companies may be allowed to sponsor the activities or tents.**
- 4) A color-coded wrist band or pass admission system that would identify attendees and invited guests.**
- 5) Companies involved in the tent village would be sent a letter outlining the tent village/SBOE alcohol policy. The letter will state the minimum drinking age in Idaho is 21 and that at no time should they allow any underage drinking and/or the serving of alcohol to visibly intoxicated patrons.**
- 6) Two entry points manned by security personnel.**
- 7) Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.**
- 8) Security personnel will not allow patrons to exit the area with alcoholic beverages.**
- 9) Tent sponsors will be required to insure and indemnify the State of Idaho, the State Board of Education and Boise State University for a minimum of \$2,000,000 and to make sure that the proper permits and licenses are obtained.**
- 10) The area is for sponsors to entertain clients/guests for the fall 2005 home football games, including the sales and service of alcohol;**
- 11) It be brought back after the conclusion of the 2005 football season to the Board for reconsideration for 2006. *(This motion was amended after further discussion.)***

Board President White suggested making changes to the Board policy to clarify the language having to do with who can enter permitted events.

Dr. Kustra and Dr. White acknowledged the practice at both UI and BSU has been to allow families (minors) to enter permitted events by considering those areas as restaurant-type versus bar-type settings. Dr. White referred specifically to Section J.2.b.(5) where it says, "Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic

beverages may be allowed into the defined area.” Dr. White and Dr. Kustra both asked for direction from the Board in how to proceed in the future.

Board member Hall observed it would be out-of-order to propose a policy change at this time because of procedural requirements. He suggested that the institutions would need to bring a request for a change in the policy back to the Board at another time.

Board President Lewis suggested amending the motion to include reference to attachment 1 and attachment 2. He asked that BSU commit to coming back with the language of the letter to the next meeting. Dr. Kustra agreed to do so.

Board members suggested adding language to the existing motion to make it subject to existing policy Section I.J. regarding use of alcohol.

Amended M/S (Terrell/McGee): To approve the request by Boise State University to establish secure areas under the conditions set forth in this request for the purpose of allowing pre-game activities for the 2005 home football season, subject to existing policy, and under the following terms and conditions:

- 1) A secured area surrounded by a fence to control access to and from the area.**
- 2) Four-hour duration, ending at kick-off.**
- 3) No alcohol making or distributing companies may be allowed to sponsor the activities or tents.**
- 4) A color-coded wrist band or pass admission system that would identify attendees and invited guests.**
- 5) Companies involved in the tent village would be sent a letter outlining the tent village/SBOE alcohol policy. The letter will state the minimum drinking age in Idaho is 21 and that at no time should they allow any underage drinking and/or the serving of alcohol to visibly intoxicated patrons.**
- 6) Two entry points manned by security personnel.**
- 7) Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.**
- 8) Security personnel will not allow patrons to exit the area with alcoholic beverages.**
- 9) Tent sponsors will be required to insure and indemnify the State of Idaho, the State Board of Education and Boise State University for a minimum of \$2,000,000 and to make sure that the proper permits and licenses are obtained.**
- 10) The area is for sponsors to entertain clients/guests for the fall 2005 home football games, including the sales and service of alcohol;**
- 11) It be brought back after the conclusion of the 2005 football season to the Board for reconsideration for 2006. *Motion carried unanimously.***

3.B. University of Idaho

Board President Lewis asked how having three tented areas around the Kibby Dome serving alcohol keeps the intent of the Board’s waiver to not allow the serving of alcohol to be pervasive around the stadium. Laura Hubbard explained that the area where alcohol is served is secure and restricted in each of the three areas, and that food and other beverages is also available.

President White noted that UI was in violation of the policy because they treated the area as a restaurant and not a bar. UI will work with Dr. Kustra to look at the policy and make a recommendation to clarify the policy so that doesn't occur again.

President White said there were no serious incidences reported related to the serving of alcohol.

M/S (Terrell/McGee): To approve the request by University of Idaho to establish secure areas under the conditions set forth in this request for the purpose of allowing pre-game activities for the 2005 home football season, subject to existing policy, and under the following terms and conditions:

- 1) A secured area surrounded by a fence to control access to and from the area.**
- 2) Four-hour duration, ending at kick-off.**
- 3) No alcohol making or distributing companies may be allowed to sponsor the activities or tents.**
- 4) A color-coded wrist band or pass admission system that would identify attendees and invited guests.**
- 5) Companies involved in the tent village would be sent a letter outlining the tent village/SBOE alcohol policy. The letter will state the minimum drinking age in Idaho is 21 and that at no time should they allow any underage drinking and/or the serving of alcohol to visibly intoxicated patrons.**
- 6) Two entry points manned by security personnel.**
- 7) Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.**
- 8) Security personnel will not allow patrons to exit the area with alcoholic beverages.**
- 9) Tent sponsors will be required to insure and indemnify the State of Idaho, the State Board of Education and University of Idaho for a minimum of \$2,000,000 and to make sure that the proper permits and licenses are obtained.**
- 10) The area is for sponsors to entertain clients/guests for the fall 2005 home football games, including the sales and service of alcohol;**
- 11) It be brought back after the conclusion of the 2005 football season to the Board for reconsideration for 2006. *Motion carried unanimously.***

President Lewis expressed concern about the policy concerning the parking lot. He reiterated that the Board has not changed its view about serving alcohol in the parking lot and encouraged the exercise of due care in observing the policy.

4. Follow-up Report on Approved Alcohol Permits

President White provided details regarding four events when alcohol was served at the UI golf course as follow-up to a request at the previous Board meeting.

President Kustra commented on the events at BSU when alcohol was served as follow-up to a request by the Board at the previous Board meeting. He mentioned a recent event at the Morrison Center where alcohol was served with unfortunate results pointing out that he has determined to not issue any more alcohol permits for events at the Morrison Center again.

5. Boise State University – Request for Approval to Market the Lease of Skybox Suites at Bronco Stadium

President Kustra and Gene Bleymaier presented this item to the Board. Mr. Bleymaier noted that access to the skyboxes is restricted to those people who have tickets. Club seating and sky box suites will both be enclosed and totally separate from the general seating areas. Alcohol will only be provided by the vendor.

Board President Lewis reiterated his strong objection to promoting the idea that alcohol should be available in stadiums. He expressed concern that this request moves the state to a middle ground and that the Board and the institutions need to state their strong position against going any further.

President Kustra said he does not have any interest in moving in the direction of alcohol being served in the stadium.

Board member Hall indicated that he is concerned that skybox owners may believe they are free to serve alcohol in their suites. President Kustra and Mr. Bleymaier reiterated to Board member Hall that only vendors will be allowed to serve and provide alcohol.

President White said that the Board either needs to give BSU its full support on this issue, or no support at all. He cautioned that to do differently will create problems related to a lack of open and transparent intent and communication.

Dr. Howard said this action represented a line in the sand separating the corporate culture from the student culture.

Board member Hall clarified that agreement by the Board to this effort, at this time, does not bind any future board from changing the policy.

M/S (Terrell/McGee): To authorize Boise State University to represent that alcohol service may be available in the skybox suites in the University's marketing provided that the University must return to the Board with a complete presentation of the details of the service of alcohol prior to, or in conjunction with the approval of the construction project. Approval of this motion is not assurance that the Board will approve the proposal for stadium skybox suites or the policy waiver for alcohol at Bronco Stadium. (This motion was not voted on.)

Board member Hall noted that the motion is not clear because of the word "may." Board staff noted that the suggested language presented by BSU was changed by Board staff to "may" instead of "will" Also, on the advice of legal counsel, Board staff added the last sentence to the prepared motion.

Gene Bleymaier said it was his understanding that the motion would include the skybox suites and the club seating.

Amended M/S (Terrell/McGee): To authorize Boise State University to represent that alcohol service will be available in the skybox suites and club seating in the University's marketing provided that the University must return to the Board with a complete presentation of the details of the service of alcohol prior to, or in conjunction with the approval of the construction project. Approval of this motion is not assurance that the Board will approve the proposal for stadium skybox suites or the policy waiver for alcohol at Bronco Stadium. (This motion was not voted on.)

There was discussion about the wording of final sentence of the motion.

Substitute M/S (Terrell/McGee): To authorize Boise State University to represent that alcohol service will be available in the skybox suites and club seating in the University's marketing provided that the University must return to the Board with a complete presentation of the details of the service of alcohol prior to, or in conjunction with the approval of the construction project. (This motion was not voted on.)

It was suggested adding the following language to the substitute motion: "consistent with current board practice and policy relating to alcohol waivers granted by the board regarding to NCAA events."

Board President Lewis indicated he understands this action is part of a sequence and that BSU will not enter into contractual agreements until the Board has approved the project. BSU indicated they were of the understanding that they needed to have a signed contract to present to the Board to demonstrate that there was funding for the project. Board member Hall agreed that signed contracts would have a clause that says agreement is contingent upon the Board approving the project.

Board member Hall made a second substitute motion noting that the Board's approval of this motion is not assurance that Board will approve Bronco Stadium expansion.

Second Substitute M/S (Hall/McGee): To authorize Boise State University to represent that alcohol service will be available in the skybox suites and club seating in the University's marketing provided that the University must return to the Board with a complete presentation of the details of the service of alcohol consistent with current board practice prior to, or in conjunction with the approval of the construction project. Approval of this motion is not assurance that Board will approve Bronco Stadium expansion. Motion carried unanimously.

At this time the Board returned to item 7 of the PPGAC

7. Approval of Temporary and Proposed Rules Governing Charter Schools

Board member Hall noted that if the temporary and proposed rules are approved, the rules will become effective between now and the next legislative session. However, the Board will have full authority to amend the rules before the next legislative session.

Board member Terrell asked if it was permissible to take certain portions of Section 203 out and leave certain portions of it in. Board member Hall agreed that was possible, but offered the caution that great care would need to be taken to assure that all references and conflicting language throughout the rule would need to be taken out as well.

M/S (Lewis/Agidius): To rescind and vacate the current rules and approve the Temporary and Proposed Rules Governing Charter Schools as presented, with the following exception, that all of Section 203 be put back into the rules. Motion carried 6-2 (McGee and Terrell dissenting).

DEPARTMENT OF EDUCATION

A. Superintendent's Report

Dr. Howard introduced Janet Jones from her staff. She went on to extend an invitation to the Board to join her next week in honoring Idaho's Teacher of the Year, Paula Conley from Coeur d'Alene.

She reported that the Department's request for reports concerning ISIMS have been ongoing. The Department of Education has stayed in close contact with the Albertson Foundation and is trying to make a smooth transition away from ISIMS. The State Department of Education is still attempting to determine what can be salvaged from the project. JFAC did not fund the approach that the Department recommended so the State Department of Education will continue to look at other alternatives.

As an item of information, Dr. Howard has written a memo to JFAC members related to comments made about the LEP position and clarified for them the Department's support in having that position be located in a single agency.

Dr. Howard discussed the development of the pilot science test. The process included establishing a set of power standards and the involvement of experts in the field of science to create a bank of test questions. The pilot test will be used this spring.

M/S (Howard/Hall): To move items B, C, D and E to a Consent Agenda. Motion carried unanimously.

B. Request for Letters of Authorization

By consent, the Board approved the request for Letters of Authorization as submitted by the Professional Standards Commission.

C. BYU Idaho Teacher Preparation Program Review Report

By consent, the Board approved 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 BYU Idaho in Rexburg, Idaho.

D. Appointments to the Idaho State Curricular Materials Selection Committee

By consent, the Board approved the request for one appointment to the Idaho State Curricular Materials Selection Committee as submitted.

E. Professional Standards Commission Appointment

By consent, the Board approved the request for a Professional Standards Commission appointment as submitted.

F. Order to Transfer Property from Twin Falls School District to Filer School District

M/S (Howard/Hall): To order the alteration of the boundaries of Twin Falls School District No. 411 and Filer School District No. 413 as approved by the State Board of Education and the voters consistent with the petition of Alexia D. Williams, et al., and in accordance with Idaho Code 33-308, provided that such order shall be effective on and after March 11, 2005. *Motion carried 7-0 (Stone recused himself from the vote).*

G. Proposal to Improve Physical Education in Idaho

This item was withdrawn from the agenda at this time.

OTHER BUSINESS

There being no other business a motion to adjourn was entertained.

M/S (Hall/McGee): To adjourn at 3:05 p.m. *Motion carried unanimously.*