

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
MARCH 10, 2005**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>PRESIDENT'S COUNCIL REPORT</b>	Information Item
<b>2</b>	<b>BOISE STATE UNIVERSITY – PROGRESS REPORT</b>	Information item
<b>3: 3A 3B</b>	<b>REPORT ON ALCOHOL POLICY WAIVER – BOISE STATE UNIVERSITY UNIVERSITY OF IDAHO</b>	Motion to approve
<b>4</b>	<b>FOLLOW UP REPORT ON APPROVED ALCOHOL PERMITS</b>	Information Item
<b>5</b>	<b>BOISE STATE UNIVERSITY – REQUEST FOR APPROVAL TO MARKET THE LEASE OF SKYBOX SUITES AT BRONCO STADIUM</b>	Motion to approve
<b>6</b>	<b>FIRST READING – AMENDMENT TO BOARD POLICY I.J.2.b – USE OF INSTITUTIONAL FACILITIES AND SERVICES WITH REGARD TO THE PRIVATE SECTOR</b>	Motion to approve
<b>7</b>	<b>APPROVAL OF TEMPORARY AND PROPOSED RULES GOVERNING CHARTER SCHOOLS</b>	Motion to approve
<b>8</b>	<b>APPROVAL OF TEMPORARY AND PROPOSED RULES GOVERNING COMMERCIAL DRIVING SCHOOLS</b>	Motion to approve
<b>9</b>	<b>AGENCY DASHBOARD REPORTS</b>	Motion to approve
<b>10</b>	<b>EDUCATIONAL NEEDS AT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND</b>	Information Item

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**SUBJECT**

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**

N/A

**BOARD ACTION**

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

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**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA**  
**MARCH 10, 2005**

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**SUBJECT**

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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**SUBJECT**

Boise State University is reporting on 2004 pre-game activities, including service of alcohol, and is requesting Board approval to establish a secure area north of Bronco Stadium for the purpose of allowing local corporations the opportunity to entertain clients and guests for fall 2005 home football games.

**REFERENCE**

June 18, 2004      The Board approved revisions to Section I.J., Use of Institutional Facilities and Services with Regard to the Private Sector, related to alcohol on campus.

August 12, 2004      The Board approved a request by Boise State University and the University of Idaho to establish secure areas for the purpose of allowing pre-game activities, corporations and sponsors to entertain clients and guests for fall 2004 home football games, including the sale and serving of alcoholic beverages at the fall 2004 home football games. The Board requested that the request be brought back for reconsideration for 2005 after the conclusion of the 2004 football season.

**APPLICABLE STATUTE, RULE OR POLICY**

SBOE Policy I.J – Use of Institutional Facilities and Services With Regard to the Private Sector

**BACKGROUND**

The current Board policy requires that the institutions may not allow service of alcohol on campus in conjunction with athletic events. Last year, the Board has granted an exception to the policy under limited circumstances for the pre-game corporate tent area.

**DISCUSSION**

The university operated pre-game activities in and around Bronco Stadium are in three parts; the Broncoville operation, the outer area tent rentals, and the pre-game buffet in the Allen Noble Hall of Fame. Each is designed to provide a pre-game atmosphere that helps generate community support for intercollegiate athletics.

Broncoville is the secure area north of the stadium where alcohol is permitted. Each tent sponsor is required to sign the attached notice that outlines the requirements of Broncoville (see attachment I). An example of the layout for Broncoville is included as attachment II. All guests in Broncoville must have a ticket or invitation to enter the secure area, no non-ticketed or invited patrons are allowed inside.

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No security problems were reported from Broncoville. The most common issue reported by the security personnel was that many game patrons wanted to enter the Broncoville area even though they had no Broncoville ticket. All such persons were denied admission.

**Idaho (Sept 4):** 480 guests, \$7,047.51 overall revenue, including \$2,382.84 in food purchases, \$2,619.39 in alcohol purchases, \$447.89 in soda/water/hot chocolate purchases

**OSU (Sept 10):** 520 guests, \$7,061.67 overall revenue, including \$2,832.10 in food purchases, \$2,890.33 in alcohol purchases, \$233.25 in soda/water/hot chocolate purchases

**BYU (Sept 25):** 718 guests, \$12,672.58 overall revenue, including \$4,537.50 in food purchases, \$3,809.50 in alcohol purchases, \$490.55 in soda/water/hot chocolate purchases

**SMU (Oct 2):** 450 guests, \$5,355.88 overall revenue, including \$2,345.38 in food purchases, \$1,648.19 in alcohol purchases, \$287.93 in soda/water/hot chocolate purchases

**Fresno (Oct 23):** 845 guests, \$13,934.52 overall revenue, including \$4,473.50 in food purchases, \$3,780.00 in alcohol purchases, \$608.75 in soda/water/hot chocolate purchases

**Hawaii (Oct 29):** 600 guests, \$9,142.98 overall revenue, including \$2,997.01 in food purchases, \$2,148.82 in alcohol purchases, \$349.81 in soda/water/hot chocolate purchases

**La Tech (Nov 20):** 590 guests, \$6,569.92 overall revenue, including \$2,053.80 in food purchases, \$2,186.36 in alcohol purchases, \$131.30 in soda/water/hot chocolate purchases.

Outside of Broncoville, the university offers several tent rental areas that do not include alcohol service. These seven areas can be rented by business for their pre-game activities if they do not want to be included in the Broncoville area. Over the 2004 season, the University generated \$3,375.00 in revenue from the rental of these tent areas.

Finally, the Bronco Athletic Association sponsors a pre-game buffet in the Allen Noble Hall of Fame before each game. This food service operation does not include the sale of alcohol. This event is considered a public relations event and not a fund-raiser in and of itself. The cost charged to each person who enters (the event is open to the public) covers the cost of the meal served by the university's food service provider. As such, no net revenue is generated back to intercollegiate athletics. However, the university benefits from the sale of all food products on campus. The event provides a festive pre-game atmosphere for the fans who attend and, as such, is considered a worthwhile event.

Boise State University seeks permission to continue the Broncoville activities for the 2005 season. This will allow the university to set up a



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secure area north of Bronco Stadium for the purpose of allowing local businesses the opportunity to entertain clients and guests. Boise State Athletics will, as it did last year, construct a corporate tent village that will allow groups to provide food and beverage (non-alcohol and alcohol) to their guests prior to each Bronco home football game during the 2005 season. Boise State University will provide all the control measures, and follow all requirements of, Board policy regarding alcohol service. Also, the University will conduct the pre-game activities under the same conditions as set by the Board for last year. This includes, but is not limited to:

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 \$1,000,000 and to make sure that the proper permits and licenses are obtained.

**IMPACT**

The University earns commission revenues from the sale of food and beverages provided by Aramark, the University's food service provider. Thus, a percentage of all food and non-alcohol beverages is earned by the university in its Student Union operating system. In addition, the University's athletic department earns lease revenues from the rental of corporate tents and a percentage of the sales from the alcohol at the Broncoville event. As noted above, the university generated revenue from this operation last year.

The University will ensure that all the requirements of the Board's policies are met.

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**STAFF COMMENTS AND RECOMMENDATIONS**

Staff has reviewed the information and finds that Boise State University complied with Board Policy. Staff recommends approval of the same practice for the fall 2005 home football games.

**BOARD ACTION**

A motion 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. The university is to follow the permit process;
2. No alcohol vendors are to be allowed to have corporate tents;
3. Events must be no longer than 4 hours in duration;
4. Alcohol sales must conform to existing Board policies;
5. The area is for sponsors to entertain clients/guests for the fall 2005 home football games, including the sales and service of alcohol;
6. It be brought back after the conclusion of the 2005 football season to the Board for reconsideration for 2006.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_

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**Attachment I**

**BRONCOVILLE 2004**

Boise State University

Thank you for your interest in Broncoville 2004. We are very excited to kickoff the season and confident that Broncoville will provide you with the ultimate pre-game tailgate experience. This is a great opportunity for companies to say thank you to all employees, special clients and close friends. Please read the following policies regarding Broncoville. Boise State is committed to providing a safe environment while maintaining an exciting atmosphere that will enhance your game day experience at Bronco Stadium.

**Location:** Broncoville is located in the grass area behind the north end zone (video board end). Area entrances located at NW and SW gates. Only invited guests are allowed in Broncoville.

**Time:** Broncoville will be set up and open to all participants four hours before kickoff. Broncoville closes at the end of halftime.

**Credentials:** As part of your package, you will receive meal tickets and drink tickets reflecting the tent package that you purchase. Those credentials will be delivered to you the week of your chosen game. Additional tent items can be reviewed in the Broncoville brochure.

**Game Admittance:** All participants in Broncoville must enter the stadium through normal admission gates. There will be no admissible access into Bronco Stadium from Broncoville.

**Private Set Up:** For those who are interested in bringing in own food and non-alcoholic beverages, set up must be completed no later than 3 hours before kickoff. This will avoid parking problems and allow for easy access to the area for set up. No catering allowed in Broncoville unless provided by Aramark Food Services (Catering: 426-3890).

**Broncoville Advertising:** No company banners allowed in BroncoVille. A welcome sign in front of each tent will be provided.

**Alcohol Policy**

- Broncoville is a secured area surrounded by a fence to control access to and from the area.
- Upon entrance to the area, please make sure guests who will consume alcoholic beverages stop by the identification check tent. All guests intending to consume alcohol in Broncoville must have proper identification verifying their age to be issued a stamp. There will be no exceptions to this policy.
- Local law enforcement will be located throughout the controlled area and will be monitoring the alcohol stamp policy and patron behavior.
- Security personnel will not allow patrons to exit the area with alcoholic beverages.
- Security personnel will not allow anyone to bring alcoholic beverages into the area at anytime
- Alcohol will not be served after the start of the game.

If you have any questions regarding this agreement, please call Rich Stanwood at 426-2840 in the Bronco Athletic Association. Thank you for your support and we hope you have a memorable time at the game and in Broncoville.

**I have read the following policy and understand and accept all rules and procedures of Broncoville...**



NAME \_\_\_\_\_

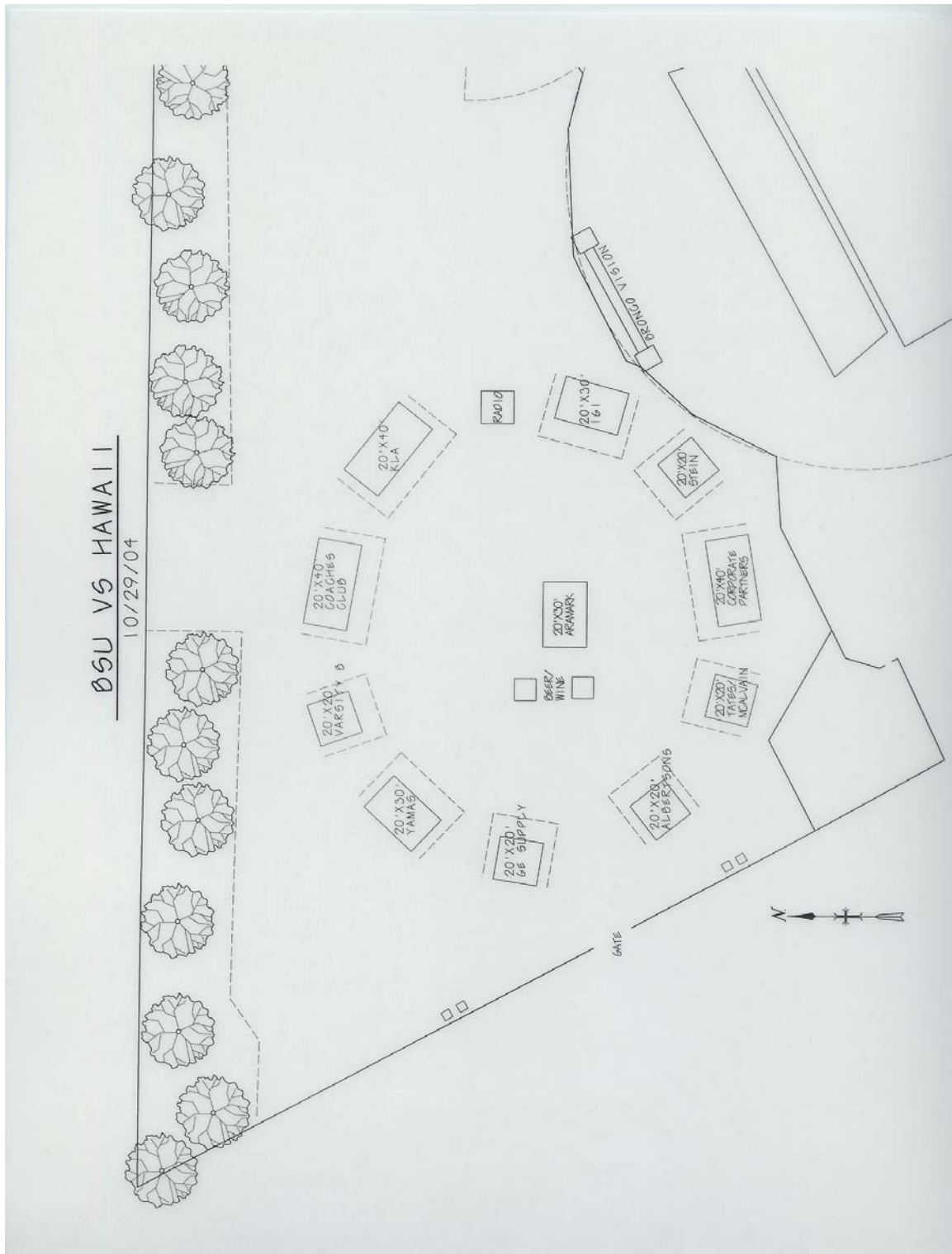
COMPANY \_\_\_\_\_

PHONE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

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Attachment II



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**REFERENCE: IDAHO STATE BOARD OF EDUCATION GOVERNING  
POLICIES AND PROCEDURES, SECTION I.J., USE OF INSTITUTIONAL  
FACILITIES AND SERVICES WITH REGARD TO THE PRIVATE SECTOR**

**J. Use of Institutional Facilities and Services**

**1. Use of Institutional Facilities and Services**

- a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions' provision of services and facilities should be educationally related. In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged.
- b. Priority and guidelines for use of institutional services and facilities is as follows:
  - (1) Institutionally sponsored programs and projects.
  - (b) Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.
  - (3) Local, state, or federally sponsored programs and projects.
  - (4) The institutions will maintain a list of special events, services and facilities provided in those special events, the sponsor's name, the date of the use, and the approximate number of persons attending. This list will be available for public inspection. Individual institutional policies should be adopted in accordance with this general philosophy and policy statement of the Board. To this end, a coordinated effort between the public and private sector is encouraged.

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

- a. Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the possession or consumption of alcoholic

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beverages in areas open to and most commonly used by the general public on campus grounds. The rules authorize the Board to waive the prohibition pursuant to Board policies and procedures. 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. The grant of any such waiver shall be determined by the chief executive officer ("CEO") or the CEO's designee only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to any other person or party. In doing so, the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution.

- b. Each institution shall maintain a policy providing for an institutional Alcohol 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 therefor. 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.

- (1) An Alcohol Beverage Permit may be granted only for a specifically designated event (hereinafter "Permitted Event"). Each Permitted Event shall be defined by the activity planned, the area or location in which the activity will take place and the period of time during which the activity will take place. The activity planned for the Permitted Event must be consistent with the proper image and mission of the institution. The area or location in which the activity will take



place must be defined with particularity, and must encompass a restricted space or area suitable for properly controlling the possession and consumption of alcoholic beverages. The time period for the activity must be a single contiguous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition and the like). An extended series of events or a continuous activity with no pre-determined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted space or area therein for possession and consumption of alcoholic beverages and the applicable time periods for the Permitted Event must each be set forth in the Alcohol Beverage Permit and in the application therefor.

- (2) The serving of alcoholic beverages must be part of a planned food and beverage program for the Permitted Event, rather than a program serving alcoholic beverages only. Food must be available at the Permitted Event. Consumption of alcoholic beverages and food cannot be the sole purpose of a Permitted Event.
- (3) Non-alcoholic beverages must be as readily available as alcoholic beverages at the Permitted Event.
- (4) A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by written, personal invitation. Events generally open to participation by the public without admission charges or without written personal invitation shall not be eligible for an alcoholic beverage permit. Only persons who have purchased a ticket or paid a registration fee for attendance at a Permitted Event or persons who have received a written invitation to a Permitted Event will be authorized to possess and consume alcoholic beverages at the Permitted Event.
- (5) Permitted Events which are generally open to the public through purchase of a ticket (such as sporting events, concerts or other entertainment events) must set out a confined and defined area where alcoholic beverages may be possessed and consumed. For such events, the defined area where alcoholic beverages may be possessed and consumed shall be clearly marked as such, and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those

authorized to enter the area do so and that no alcoholic beverages leave the area. Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic beverages may be allowed into the defined area. For such events there shall be sufficient space outside of the area where alcoholic beverages may be possessed and consumed to accommodate the participating public who do not wish to be present where alcoholic beverages are being consumed.

- (6) No student athletic events, (including without limitation NCAA, NIT, NAIA and intramural student athletic events) occurring in college or university owned, leased or operated facilities, or anywhere on campus grounds, shall be Permitted Events, nor shall a Permitted Event be allowed in conjunction with any such student athletic event.
- (7) An Alcohol Beverage Permit for a Permitted Event to which attendance is limited to individuals who have received a personal written invitation, or to those who have registered to participate in a particular conference (for example, a reception, a dinner, an exclusive conference) may allow alcoholic beverages to be possessed and consumed throughout the area of the event, provided that the area of the event is fully enclosed, and provided further that the area of the event must be such that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Additionally, the area of the Permitted Event must not be open to access by the general public, or to access by persons other than those properly participating in the Permitted Event.
- (8) Application for an Alcohol Beverage Permit must be made by the organizers of the event. Such organizers must comply with all applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession sale and consumption of alcoholic beverages.
- (9) The Alcohol Beverage Permit, any required local catering permit, and applicable state or local alcoholic beverages permits shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.

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- (10) The sale, service and consumption of alcoholic beverages at a Permitted Event shall be confined to the specific event, area or activity identified on the Beverage Permit application. Any alcoholic beverages allowed at a Permitted Event shall be supplied through authorized contractors of the organizers (such as caterers hired by the organizers). In no event shall the institution supply or sell alcoholic beverages directly. In no event shall the general public, or any participants in a Permitted Event be allowed to bring alcoholic beverages into a Permitted Event, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
  - (11) The person/group issued the Beverage Permit and the contractors supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. Further, the person/group must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage limits sufficient to meet the needs of the institution, but in no case less than \$500,000 minimum coverage per occurrence. Such insurance must list the permitted person/group, the contractor, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insureds.
  - (13) The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which times shall be strictly enforced. Service and sale of alcoholic beverages shall stop at a time in advance of the time of closure of the event sufficient to allow an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the event prior to closure of the event.
  - (12) These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.
- c. Within residential facilities owned, leased or operated by an institution, the CEO or CEO's designee may allow the possession or consumption of alcoholic beverages by persons of legal drinking

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age within the living quarters of persons of legal drinking age. Consumption of alcohol shall not be permitted in the general use areas of any such residence facility. Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO or CEO's designee, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another room mate or room mates) as their individual living space.

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**SUBJECT**

The University of Idaho is reporting on 2004 pre-game activities, including service of alcohol, and is requesting Board approval to establish secure areas for the purpose of allowing pre-game activities which include the service of alcohol for the 2005 football season.

**REFERENCE**

- |                 |  |
|-----------------|--|
| June 18, 2004   | The Board approved revisions to Section I.J., Use of Institutional Facilities and Services with Regard to the Private Sector, related to alcohol on campus.  |
| August 12, 2004 | The Board approved a request by Boise State University and the University of Idaho to establish secure areas for the purpose of allowing pre-game activities, corporations and sponsors to entertain clients and guests for fall 2004 home football games, including the sale and serving of alcoholic beverages at the fall 2004 home football games. The Board requested that the request be brought back for reconsideration for 2005 after the conclusion of the 2004 football season. |

**APPLICABLE STATUTE, RULE OR POLICY**

Idaho State Board of Education Governing Policies and Procedures Section I.J., Use of Institutional Facilities and Services with Regard to the Private Sector

**BACKGROUND**

The current Board policies state that the institutions may not allow service of alcohol in conjunction with student athletic events. The University of Idaho is seeking a Board waiver of the policy for the 2005 home football games.

**DISCUSSION**

The university's pre-game activities focus on amplifying the Vandal Football experience for fans. Pre-game functions offer an opportunity for ticket holders to socialize with friends, classmates, and university employees and to connect with the university's past traditions and present activities. In managing its pre-game functions, the university seeks to provide a safe, fun, and exciting atmosphere that promotes attendance and enhances the game experience. A successful pre-game program keeps fans coming back to, interacting with, and giving to the university.

The UI's 2004 football season included three "home" games: two were held at the Kibbie Dome on October 9 and 16; and one was held at WSU's Martin Stadium on November 6.

University of Idaho pre-game activities are targeted toward four constituencies. All pre-game activities open four hours prior to kickoff, and all activities cease at

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kickoff. Privatized areas where alcohol is available are designated with barricades or other cordoning means.

- “Alumni Vandal Game Day” is focused on adult-based activities and targets active alums or Vandal supporters who come to the game to see acquaintances and meet and socialize with other Vandal fans. Individual schools or groups may reserve tents and seating in this area. During the 2004 season, Dad’s Weekend and the College of Agricultural and Life Sciences events were hosted in this area.

**October 9 game (Kibbie):** 400 guests with tickets, 350 Dad’s Day BBQ guests. Food purchases totaled \$4,450. Soda/wine/beer purchases totaled \$1,201.

**October 16 game (Kibbie):** 125 guests with tickets. Food purchases totaled \$412. Soda/wine/beer purchases totaled \$505.

**November 6 game (Martin):** Hosted in the front three-quarters of the Hollinberry Fieldhouse. Concessions were managed and controlled by Washington State University (Sodexo as purveyor for WSU), and WSU retained all revenues.

- The “Corporate Tent Area” provides an opportunity for corporate sponsors to reward employees and say “thank you” to valued customers by hosting private functions. Signage for corporate tents is highly visible and lets fans know which corporations have partnered with the Vandals.

**October 9 game (Kibbie):** First Bank Northwest Event hosted 280 guests. Food purchases totaled \$2,968. Soda/water purchases totaled \$343. Beer/wine purchases totaled \$481.

**October 16 game (Kibbie):** First Step Internet hosted 40 guests. Food purchases totaled \$466. Soda/water purchases totaled \$35. Beer/wine purchases totaled \$104.

- The “President’s Circle Pre-Game Function” is provided for generous donors and is an exclusive function that allows access to university leadership, including the President and Athletic Director.

**October 9 game (Kibbie):** 130 guests. Food purchases totaled \$1,430. Beer/wine purchases totaled \$306.

**October 16 game (Kibbie):** 120 guests. Food purchases totaled \$1,320. Beer/wine purchases totaled \$189.

**November 6 game (Martin):** Hosted in the rear quarter of the Hollinberry Fieldhouse. Concessions were managed and controlled by Washington State University (Sodexo as purveyor for WSU), and WSU retained all revenues.

- “Vandal Game Day” focuses on outreach to the community, youth groups, general alums, or Vandal supporters coming to the game. It includes a Jr. Joe area that is family-fun based and includes inflatable activities, a petting zoo, and face painting. Seating and an opportunity for food and

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beverages are provided. No alcohol is allowed in this area, and it is physically separated from other pre-game areas where alcohol is served.

A graphic layout of each of the Kibbie pre-game activity areas is included with this report.

Security personnel were posted at every entrance to a secured area, and a ticket, invitation, or name on a guest list was required for entry. All minors were required to be accompanied by an adult to enter. Food and beverage service was provided by Sodexo, which has appropriate insurance coverage as required by Board policy. Sodexo carded those who wished to consume alcohol. Security staff patrolled the area to ensure that those in possession of alcohol had a hand stamp indicating that their ID had been verified for legal age requirements. No one was allowed to bring in or leave with alcoholic beverages.

Inclement weather posed the primary challenge to the success of the 2004 pre-game activities. Downpours at both Dome games necessitated canceling of some events and movement of others, such as the President's Circle, indoors.

**IMPACT**

The university earns commission revenues (20% gross sales) from the sale of food and beverages provided by suppliers. Feedback on the 2004 events from donors and alumni was very positive, and fans appreciated the opportunity to participate in pre-game events with easy access to the Kibbie Dome and the game they came to watch. These types of functions have strategic importance to the friend- and fund-raising activities of the university and as such are beneficial to the university and the State of Idaho.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff has reviewed the information and finds that Boise State University complied with Board Policy. Staff recommends approval of the same practice for the fall 2005 home football games.

**BOARD ACTION**

A motion to approve the request by the 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 the following terms and conditions:

1. The university is to follow the permit process;
2. No alcohol vendors are to be allowed to have corporate tents;
3. Events must be no longer than 4 hours in duration;
4. Alcohol sales must conform to existing Board policies;
5. The area is for sponsors to entertain clients/guests for the fall 2005 home football games, including the sales and service of alcohol;

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6. It be brought back after the conclusion of the 2005 football season to the Board for reconsideration for 2006.

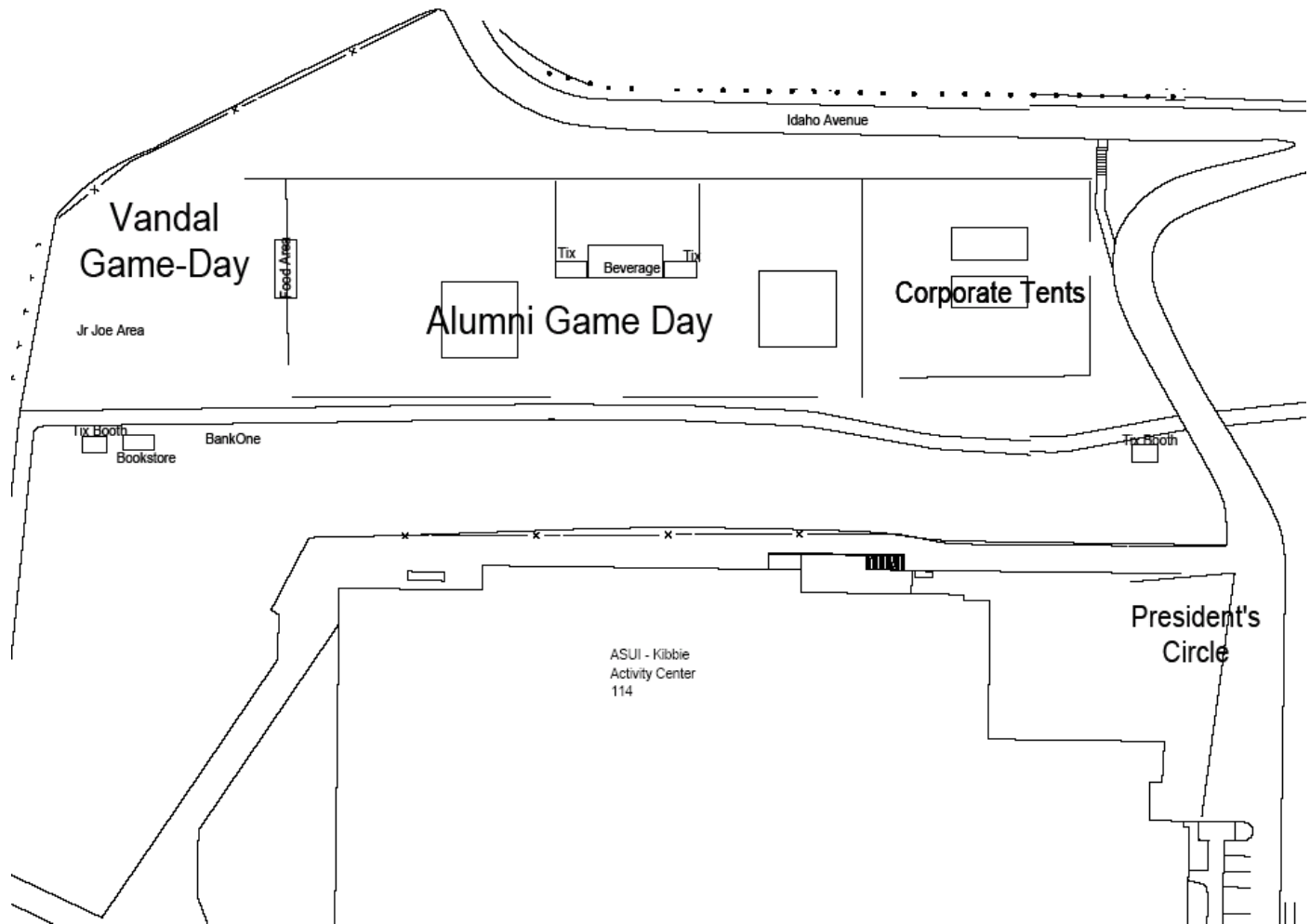
Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



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REFERENCE: LAYOUT OF KIBBIE PRE-GAME ACTIVITY AREAS



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**REFERENCE: IDAHO STATE BOARD OF EDUCATION GOVERNING POLICIES AND PROCEDURES, SECTION I.J., USE OF INSTITUTIONAL FACILITIES AND SERVICES WITH REGARD TO THE PRIVATE SECTOR**

**J. Use of Institutional Facilities and Services**

**1. Use of Institutional Facilities and Services**

- a. Consistent with education's primary responsibilities of teaching, research, and public service, the institutions, under the governance of the State Board of Education and Board of Regents of the University of Idaho (Board), have and will continue to provide facilities and services for educational purposes. Such services and facilities, when provided, should be related to the mission of the institution and not directly competitive with services and facilities reasonably available from the private sector. The institutions' provision of services and facilities should be educationally related. In addition, the Board recognizes that the institutions have a role in assisting community and economic development in a manner that supports the activities of the private sector. To this end, cooperation with local, state, and federal agencies is encouraged.
- b. Priority and guidelines for use of institutional services and facilities is as follows:
  - (1) Institutionally sponsored programs and projects.
  - (b) Community programs or projects of an educational nature where the services or facilities provided by the institutions are directly related to the teaching, research, or service mission of the institution.
  - (3) Local, state, or federally sponsored programs and projects.
  - (4) The institutions will maintain a list of special events, services and facilities provided in those special events, the sponsor's name, the date of the use, and the approximate number of persons attending. This list will be available for public inspection. Individual institutional policies should be adopted in accordance with this general philosophy and policy statement of the Board. To this end, a coordinated effort between the public and private sector is encouraged.

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

- a. Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the possession or consumption of alcoholic beverages in areas open to and most commonly used by the general public on campus grounds. The rules authorize the Board to waive the prohibition pursuant to Board policies and procedures. 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. The grant of any such waiver shall be

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determined by the chief executive officer ("CEO") or the CEO's designee only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to any other person or party. In doing so, the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution.

- b. Each institution shall maintain a policy providing for an institutional Alcohol 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 therefor. 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.
  - (1) An Alcohol Beverage Permit may be granted only for a specifically designated event (hereinafter "Permitted Event"). Each Permitted Event shall be defined by the activity planned, the area or location in which the activity will take place and the period of time during which the activity will take place. The activity planned for the Permitted Event must be consistent with the proper image and mission of the institution. The area or location in which the activity will take place must be defined with particularity, and must encompass a restricted space or area suitable for properly controlling the possession and consumption of alcoholic beverages. The time period for the activity must be a single contiguous time period for a separate defined occurrence (such as a dinner, a conference, a reception, a concert, a sporting competition and the like). An extended series of events or a continuous activity with no pre-determined conclusion shall not be a Permitted Event. The area or location of the Permitted Event, the restricted space or area therein for possession and consumption of alcoholic beverages and the applicable time periods for the Permitted Event must each be

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set forth in the Alcohol Beverage Permit and in the application therefor.

- (2) The serving of alcoholic beverages must be part of a planned food and beverage program for the Permitted Event, rather than a program serving alcoholic beverages only. Food must be available at the Permitted Event. Consumption of alcoholic beverages and food cannot be the sole purpose of a Permitted Event.
- (3) Non-alcoholic beverages must be as readily available as alcoholic beverages at the Permitted Event.
- (4) A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by written, personal invitation. Events generally open to participation by the public without admission charges or without written personal invitation shall not be eligible for an alcoholic beverage permit. Only persons who have purchased a ticket or paid a registration fee for attendance at a Permitted Event or persons who have received a written invitation to a Permitted Event will be authorized to possess and consume alcoholic beverages at the Permitted Event.
- (5) Permitted Events which are generally open to the public through purchase of a ticket (such as sporting events, concerts or other entertainment events) must set out a confined and defined area where alcoholic beverages may be possessed and consumed. For such events, the defined area where alcoholic beverages may be possessed and consumed shall be clearly marked as such, and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Only those individuals lawfully attending the Permitted Event who are of lawful age to consume alcoholic beverages may be allowed into the defined area. For such events there shall be sufficient space outside of the area where alcoholic beverages may be possessed and consumed to accommodate the participating public who do not wish to be present where alcoholic beverages are being consumed.
- (6) No student athletic events, (including without limitation NCAA, NIT, NAIA and intramural student athletic events) occurring in college or university owned, leased or operated facilities, or anywhere on campus grounds, shall be Permitted Events, nor shall a Permitted Event be allowed in conjunction with any such student athletic event.

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- (7) An Alcohol Beverage Permit for a Permitted Event to which attendance is limited to individuals who have received a personal written invitation, or to those who have registered to participate in a particular conference (for example, a reception, a dinner, an exclusive conference) may allow alcoholic beverages to be possessed and consumed throughout the area of the event, provided that the area of the event is fully enclosed, and provided further that the area of the event must be such that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Additionally, the area of the Permitted Event must not be open to access by the general public, or to access by persons other than those properly participating in the Permitted Event.
- (8) Application for an Alcohol Beverage Permit must be made by the organizers of the event. Such organizers must comply with all applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession sale and consumption of alcoholic beverages.
- (9) The Alcohol Beverage Permit, any required local catering permit, and applicable state or local alcoholic beverages permits shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
- (10) The sale, service and consumption of alcoholic beverages at a Permitted Event shall be confined to the specific event, area or activity identified on the Beverage Permit application. Any alcoholic beverages allowed at a Permitted Event shall be supplied through authorized contractors of the organizers (such as caterers hired by the organizers). In no event shall the institution supply or sell alcoholic beverages directly. In no event shall the general public, or any participants in a Permitted Event be allowed to bring alcoholic beverages into a Permitted Event, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- (11) The person/group issued the Beverage Permit and the contractors supplying the alcoholic beverages shall assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the Permitted Event. Further, the person/group must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage limits sufficient to meet the

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needs of the institution, but in no case less than \$500,000 minimum coverage per occurrence. Such insurance must list the permitted person/group, the contractor, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insureds.

- (13) The Alcohol Beverage Permit shall set forth the time at which sale, service, possession and consumption of alcoholic beverages will be permitted, which times shall be strictly enforced. Service and sale of alcoholic beverages shall stop at a time in advance of the time of closure of the event sufficient to allow an orderly and temperate consumption of the balance of the alcoholic beverages then in possession of the participants of the event prior to closure of the event.
- (12) These guidelines shall apply to both institutional and non-institutional groups using institutional facilities.
- c. Within residential facilities owned, leased or operated by an institution, the CEO or CEO's designee may allow the possession or consumption of alcoholic beverages by persons of legal drinking age within the living quarters of persons of legal drinking age. Consumption of alcohol shall not be permitted in the general use areas of any such residence facility. Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO or CEO's designee, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another room mate or room mates) as their individual living space.

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**SUBJECT**

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.

At the January 2005 Board Meeting, Board members requested to receive additional information regarding President-approved campus events with alcohol service at Boise State University and University of Idaho.

**DISCUSSION**

Board staff has received 1 new permit from Boise State University since the January Board Meeting.

President Kustra and President White will address the Board regarding questions raised at the January 24, 2005 Board Meeting concerning alcohol service at certain campus events. These events have been identified on page 4 of this item.

**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.

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**REFERENCE: NEW APPROVED PERMIT FROM BOISE STATE UNIVERSITY**

**APPROVED ALCOHOL SERVICE AT  
BOISE STATE UNIVERSITY**

**JUNE 2004 - MARCH 2005  
REVISED March 4, 2005**

EVENT	LOCATION	DATE (S)
APPROVED PERMIT SINCE JANUARY 24, 2005 BOARD MEETING		
Leadership Retreat	Student Union Bldg	February 17, 2005

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**REFERENCE:** At the January 2005 Board Meeting, Board members requested to receive additional information regarding certain campus events with alcohol service at Boise State University and University of Idaho. Below are events that the Board has requested additional information on, listed by institution.

**APPROVED ALCOHOL SERVICE AT  
BOISE STATE UNIVERSITY**

**\*EVENTS WITH ALCOHOL SERVICE**

<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
Mark Chesnutt (country concert)	Taco Bell Arena	November 15

**APPROVED ALCOHOL SERVICE AT  
UNIVERSITY OF IDAHO**

**\*EVENTS WITH ALCOHOL SERVICE**

<b>EVENT</b>	<b>LOCATION</b>	<b>DATE (S)</b>
Scholarship Fundraiser	University of Idaho golf course	June 21
Fundraiser	University of Idaho golf course	August 28
WSU Baseball Fundraiser	University of Idaho golf course	October 3
UIAA Board of Directors Social	University of Idaho golf course	November 5

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**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**

- b. Each institution shall maintain a policy providing for an institutional Alcohol 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.

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**SUBJECT**

Boise State University requests approval to market the potential lease of skybox suites at Bronco Stadium. All potential leases will be subject to and specifically contingent upon the approval of the project by the State Board of Education (SBOE). In order to begin marketing such leases, the University is requesting permission to allow service of alcohol in the skybox suites. With SBOE approval, the potential lessees will be advised that alcohol service will be an option they can choose if they wish.

**REFERENCE**

June 17-18, 2004

Dr. Kustra discussed the desire of BSU to consider building a three-story structure as part of the stadium, noting that it would have a luxury press box as well as stadium suites and club seats. Dr. Kustra said BSU plans to solicit commitments from corporations and individuals to purchase stadium suites and club seats in order to put together a concept proposal for the building. When they have a positive commitment from the community, they will return to the Board with an actual project proposal. BSU will emphasize to the media and community that the Board has not approved anything at this point.

January 24, 2005

Presentation of Executive Summary of the feasibility study for stadium skybox suites at Bronco Stadium.

**APPLICABLE STATUTE, RULE OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section I.J – Use of Institutional Facilities and Services With Regard to the Private Sector

**BACKGROUND**

The University is in the planning stage for a major addition to Bronco Stadium. The fundraising for this project includes the lease of skybox suites. The University believes that the skybox suites will be more marketable and will produce more revenue if alcohol service is available in the suites. Thus, the University is requesting that the SBOE approve that alcohol may be served in the skybox suites. The SBOE policy regarding alcohol service will be followed and fully complied with in the skybox area. As such, there will be controlled access, ID checks, insurance requirements and all other requirements of the SBOE policy built into the skybox alcohol service.

**DISCUSSION**

The University would like to begin marketing the potential lease of the skybox suites to raise revenue pledges for the potential construction. The

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ability to have alcohol service in the skybox suites is seen as a major benefit to the marketing of the leases. All potential leases will be subject to and contingent upon the approval of the SBOE regarding the construction project. In order to justify to the SBOE that the revenues exist that will finance this project, the marketing of the suites will take place in advance of the approval of the project.

**IMPACT**

The University feels that the approval of the alcohol service is very important to the marketing of the leases in the skybox suites. If the alcohol service is not approved, then the marketing of the leases will be more difficult and less revenue from the leases is expected.

**STAFF COMMENTS AND RECOMMENDATIONS**

It is different for a university or college to ask for approval to serve alcohol and to market a construction project that has not yet been brought to the Board for approval. However, without the ability to market this plan, Boise State University would not be able to gather the needed information in order to know if the plan is viable. Staff recommends approval of the motion as presented.

**BOARD ACTION**

A motion 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.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_ No \_\_\_\_



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**SUBJECT**

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

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

At the January meeting, the University Presidents presented a compilation of permits that have been issued for the consumption of alcohol on campus. The permits were issued in compliance with Board Policy I.J.2.b.

At that time, Board members indicated they wanted to ensure that the University President's were issuing the permits. Board members indicated they did not want a designee of the University President to issue the permits.

**DISCUSSION**

Board Policy current allows for a designee of the University or College President to issue the permits. This amendment would remove that language and require the University or College President to issue the permits.

**IMPACT**

If the Board approves the amendment to Board Policy I.J.2.b, only University and College Presidents would have the authority to issue permits for the consumption of alcohol on campus.

If the Board rejects the amendment to Board Policy I.J.2.b, a designee of the University or College President would have the authority to issue permits for the consumption of alcohol on campus.

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval of 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.

**BOARD ACTION**

A motion 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.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**REFERENCE: AMENDMENT TO BOARD POLICY I.J.2.**

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

- a. Board Administrative Rules IDAPA 08.01.08 provides requirements relative to alcoholic beverages on campus grounds. Said rules generally prohibit the possession or consumption of alcoholic beverages in areas open to and most commonly used by the general public on campus grounds. The rules authorize the Board to waive the prohibition pursuant to Board policies and procedures. 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. The grant of any such waiver shall be determined by the chief executive officer ("CEO") ~~or the CEO's designee~~ only in compliance with this Policy and in accordance with the provisions set forth herein, and not as a matter of right to any other person or party. In doing so, the chief executive officer must ensure that the decisions to allow possession and consumption of alcoholic beverages are consistent with the proper image and the mission of the institution.
- b. Each institution shall maintain a policy providing for an institutional Alcohol 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.
- c. Within residential facilities owned, leased or operated by an institution, the CEO ~~or CEO's designee~~ may allow the possession or consumption of alcoholic beverages by persons of legal drinking age within the living quarters of persons of legal drinking age. Consumption of alcohol shall not be permitted in the general use areas of any such residence facility.

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Possession of alcohol within the general use areas of a residential facility may only be done in a facility where consumption has been authorized by the CEO or ~~CEO's designee~~, and such possession shall be only as is incidental to, and reasonably necessary for, transporting the alcohol by the person of legal drinking age to living quarters where consumption is allowed. The term "living quarters" as used herein shall mean, and be limited to, the specific room or rooms of a residential facility which are assigned to students of the institution (either individually or in conjunction with another room mate or room mates) as their individual living space.

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**REFERENCE**

August 12, 2004	The Board approved the temporary and proposed rules governing Charter Schools.
November 12, 2004	The Board moved to hold the pending rule and directed staff to prepare another set of rules for adoption at the March meeting

**SUBJECT**

Approval of Temporary and Proposed Rules Governing Charter Schools.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-5203(6), Idaho Code.

**BACKGROUND**

The legislature approved significant amendments to the state's charter school act during the 2004 legislative session. On April 1, 2004, the Governor signed the bill and the law became immediately effective. The new law requires the State Board of Education to adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

Subsequent to the publication of the rules, several written comments were received and a statewide public videoconference hearing was held at seven locations around the state. Verbal comments were received.

Rather than adopting the pending rules, President Lewis appointed a Charter Rule Committee to work with Board staff in drafting a new set of rules to be approved at the March 2005 meeting. The committee consisted of Laird Stone as Chair, Karen McGee, and Milford Terrell.

**DISCUSSION**

These rules clarify the limitations on new public charter schools and the procedures the Office of the State Board of Education will utilize to track the number of charters being filed. The rules further clarify the assistance that will be provided by the Department of Education and the requirement for charter petitioners to attend a workshop and receive a completed sufficiency review from the Department prior to filing their petition with an authorized chartering entity. The rules also permit the Board to set out petition requirements and model admission procedures. The rules also clearly set out appeal and revocation procedures. Finally, the rules discuss the authority of the Executive Director to designate public charter schools as a Local Education Agency (LEA).

Subsequent to the publication of the rules, several written comments were received and a public hearing was held at which verbal comments were received. A summary of the comments is attached. Many of the comments involved subjects covered by the charter school statute, and could not be incorporated.

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However, some modifications have been made to the original temporary and proposed rule based on written and oral comments that were received and discussions with the committee appointed by President Lewis. Those modifications are shown in the copy of the rules that are attached. A motion is now before the Board to approve the pending rule.

**IMPACT**

If the Board approves the Rules Governing Public Charter Schools they will become effective on March 10, 2005. If the Legislature concurs, all petitioners and Public Charter Schools will be required to comply with the requirements.

If the Board rejects the Rules Governing Public Charter Schools, Public Charter Schools will remain under the requirements currently set out in statute without any further clarification in rule.

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends approval of the Temporary and Proposed Rules Governing Public Charter Schools.

**BOARD ACTION**

A motion to rescind and vacate the current rules and approve the Temporary and Proposed Rules Governing Charter Schools as presented.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**IDAPA 08**  
**TITLE 02**  
**CHAPTER 04**

**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, 33-5203, and 33-5213, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 52, Idaho Code.

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.02.04, Rules Governing Public Charter Schools.

**02. Scope.** These rules establish a consistent application and review process for the approval and maintenance of public charter schools in Idaho.

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the offices of the Board.

**003. ADMINISTRATIVE APPEALS.**

The provisions found in Sections 400 through 404, of these rules, shall govern administrative appeals of public charter schools.

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules.

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays.

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho.

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037.

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270.

**05. Facsimile.** The facsimile number of the Board is (208) 334-2632.

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**06. Electronic Address.** The electronic address of the Board is [www.idahoboardofed.org](http://www.idahoboardofed.org).

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Authorized Chartering Entity.** Is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission.

**02. Board.** Means the Idaho State Board of Education.

**03. Charter.** Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school.

**04. Commission.** Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code.

**05. Department.** Means the Idaho Department of Education.

**06. Founder.** Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

**07. Petition.** Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

**08. Petitioners.** Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules.



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**09. Public Charter School.** Is defined in Section 33-5202A(65), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho.

**10. Public Virtual School.** Is defined in Section 33-5202A(6), Idaho Code, and means a public charter school that may serve students in more than one (1) school district and that provides instruction to pupils primarily through virtual distance learning or online technologies.

**11. School Year.** Means the period beginning on ~~August~~ July 1 and ending the next succeeding ~~July 31~~ June 30 of each year.

**011. -- 099. (RESERVED).**

**100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.**

**01. Number of New Public Charter Schools Approved for a School Year.** Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved for a school year to not more than six (6), and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The Board shall use the procedure described in Section 100, of these rules, for implementing this limitation on the approval of new public charter schools.

**02. Responsibilities of Petitioners on ~~Grant~~ Approval of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall be responsible for providing the Board with written notice of such approval, and shall submit a copy of the final approved petition to the Board, as required by Section 33-5206(6), Idaho Code. In addition, in the event the final approved ~~petition~~ charter is revised at any time, as permitted by Section 33-5209(1), Idaho Code, and pursuant to the procedures described in Section 302, of these rules, the ~~petitioners~~ governing board of the public charter school shall also be responsible for submitting copies of any such charter revisions to the Board.

**03. Chronological Numbering System.** The Board, in accordance with Section 33-5206(6), Idaho Code, shall record the date and the time that it receives each final approved petition for a new public charter school. In addition, the Board shall assign a number to each final approved petition that it receives on a chronological basis, beginning with the numeral "1," and continuing sequentially thereafter. The Board shall maintain a chronological list of approved charters for the purpose of determining which public charter schools shall be ~~permitted~~ authorized to begin ~~operations~~ educational instruction during a given school year.

**04. Authorization to Begin ~~Operations~~ Educational Instruction.** The six (6) public charter schools that will be authorized to begin ~~operations~~ educational instruction

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during a given school year shall be those public charter schools that have been assigned the lowest chronological number by the Board, and which are eligible to begin ~~operations educational instruction some time during the beginning of~~ such school year. A public charter school will be considered “eligible” in accordance with the preceding sentence if the public charter school has received approval from its authorized chartering entity to begin ~~operations educational instruction at some time during such for a designated~~ school year. In addition, a public charter school will be considered “eligible” only if no other public charter school located within the same school district has been assigned a lower chronological number, and has been approved to begin ~~operations educational instruction~~ during such school year. A public charter school that is not authorized to begin ~~operations educational instruction~~ because it is not “eligible,” as described herein, shall maintain its position on the Board’s chronological list of approved charters, and shall be under consideration for authorization to begin ~~operations educational instruction~~ during the next succeeding school year. A public charter school that is approved by an authorized chartering entity, but which does not begin ~~operations educational instruction~~ because it is not “eligible,” as described herein, must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin ~~operations educational instruction during at the beginning of~~ such school year.

**05. Notification.** The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin ~~operations educational instruction during for~~ a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter.

**200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.**

**01. Assistance with Petitions.** The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule.

**02. Public Charter School Workshops.** The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. Petitioners, or a representative on behalf of petitioners, must attend a public charter school workshop prior to submitting a petition to form a proposed new public charter school with an authorized chartering entity.

**03. ~~Legal Sufficiency Petition Reviews-Department Review.~~** Prior to ~~filing submitting~~ a petition ~~with to~~ an authorized chartering entity, petitioners shall submit ~~six (6) copies of~~ the proposed draft petition to the Department, which will ~~conduct a legal sufficiency~~ review ~~the proposed draft petition~~ to determine whether ~~the petition it~~

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complies with statutory requirements of Title 33, Chapter 52, Idaho Code. ~~If the Department determines that a petition complies with statutory requirements, then the petitioners may file the petition with an authorized chartering entity.~~

**04. Petition Amendments.** All changes to a proposed draft petition for a charter school shall be as follows:

**a.** Any amendments to a proposed draft petition reviewed by the Department as required by Subsection 200.03 of these rules shall be clearly designated by striking through the text to be deleted and underlining the new language. Pages that are amended must have the month, day and year (mo/day/year) of revision in the bottom left hand corner of the page. A summary of the changes made to a proposed draft petition after review by the Department must be attached when it is submitted to the authorizing chartering entity, and a copy of the summary must be submitted to the Department.

**b.** Petition amendments resulting from discussions with the authorized chartering entity shall be clearly designated by striking through the text to be deleted and underlining the new language. Once a petition has been submitted to the authorized chartering entity, amendments shall be made by submitting only the pages being amended, with the text to be removed stricken and the new language underlined, and with the page number of the page to be replaced at the bottom center of the page, and the month, day, and year (mo/day/year) of revision in the bottom left hand corner of the page.

**c.** Once a petition has been approved, petitioners must submit a final, clean copy of the approved charter, without highlighting or underlining, to the authorized chartering entity and the Board.

**201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.**

**01. Charter School Policies and Procedures.** An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school. Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity with which a petition is ~~filed~~ submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern.

**02. Application Deadline.** The date by which a petition must be ~~filed with~~ submitted to an authorized chartering entity in order for a proposed new charter school to be eligible to begin operations ~~during for~~ a given school year shall be not later than

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the first of ~~February-December~~ preceding such school year. A petition filed after such date may not be rejected by an authorized chartering entity as untimely, but if the petition is approved and the charter is granted, the proposed public charter school will not be eligible to begin ~~operations-educational instruction~~ until the next succeeding school year at the earliest, and only if authorized to begin ~~operations-educational instruction~~ during such school year in accordance with the approval procedure described in Subsection 100.04\_ of these rules.

## **202. PETITION REQUIREMENTS.**

A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition and the Department Review must include, at a minimum, the information described in Section 33-5205, Idaho Code.

## **203. ADMISSION PROCEDURES**

~~**01. Model Admission Procedures.** In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.13 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures.~~

~~**02. Enrollment Opportunities.** Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, printed in both English and Spanish, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release and/or public service announcements, to media outlets that broadcast within, and/or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast and/or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs.~~

~~**03. Enrollment Deadline.** Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all requests for admission to attend the public charter school for the next school year must be received.~~

~~**04. Requests for Admission.** A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single request for admission must be submitted on behalf of all siblings. The request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The request for admission shall contain the name, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process.~~

~~**05. Admission Preferences.** A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charters school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition.~~

~~**06. Priority of Preferences for Initial Enrollment.** If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows:~~

~~**a.** First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school.~~

~~**b.** Second, to siblings of pupils already selected by the lottery or other random method.~~

~~**c.** Third, to prospective students residing in the attendance area of the public charter school.~~

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~~d. Fourth, an equitable selection process, such as by lottery or other random method.~~

~~**07. Priority of Preferences for Subsequent Enrollment Periods.** If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows:~~

~~a. First, to pupils returning to the public charter school in the second or any subsequent year of operation.~~

~~b. Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school.~~

~~c. Third, to siblings of pupils already enrolled in the public charter school.~~

~~d. Fourth, to prospective students residing in the attendance area of the public charter school.~~

~~e. Fifth, an equitable selection process, such as by lottery or other random method.~~

~~**08. Proposed Attendance List.** Each year the public charter school shall maintain a proposed attendance list containing the names of all prospective students on whose behalf a request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated "A" for returning student preference; "B" for founders preference; "C" for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and "D" for attendance area preference.~~

~~**09. Equitable Selection Process.** If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows.:~~

~~a. The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, beginning with the highest grade. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container.~~



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~~b. A neutral, third party shall draw each index card from the container, and such person shall write the selection number on each index card as drawn, beginning with the numeral "1" and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person.~~

~~c. If the name of the person selected is a returning student, then the letter "A" shall be written on such index card. If the name of the person selected is the child of a founder, the letter "B" shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter "C" shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter "D" shall be written on such index card.~~

~~d. With regard to the sibling preference, if the name of the person selected has a sibling in a higher grade who has already been selected, but the person previously selected did not have the letter "C" written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter "C" shall now be written on that person's index card at this time.~~

~~e. With regard to the founder's preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter "B." When the number of index cards marked with the letter "B" equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter "B," even if such person selected would otherwise be eligible for the founders preference.~~

~~f. After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter "A" shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "B," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "C," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "D," based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card.~~

~~g. After the index cards have been sorted for each grade level, the names shall be transferred by grade level, and in such order, to the final selection list.~~

~~10. **Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter~~

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~~school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled.~~

**~~11. Notification and Acceptance Process.~~**

~~a. With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school.~~

~~b. With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available.~~

~~c. If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list.~~

~~d. If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list.~~

**~~12. Subsequent School Years.~~** ~~The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year.~~

**2043. FILING A SUBMISSION OF PETITION.**

**01. New Public Charter School.** To institute the approval process for the formation of a new public charter school, the petitioners must file a submit the petition with to the local board of trustees of the school district in which the proposed new public charter school will be located, as required by Section 33-5205(a), Idaho Code.

**02. New Public Virtual School.** The petitioners for a new public virtual school that will serve students in more than one (1) school district in the state may choose to file submit the petition and the Department Review for approval with the Commission,



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as an authorized chartering entity, as permitted by Section 33-5203(5), Idaho Code, instead of with the local board of trustees of the school district in which the proposed new public virtual school will be located.

**03. Notification to the Board.** Petitioners shall promptly notify the Board that a petition has been ~~filed with~~ submitted to an authorized chartering entity.

**2054. REVIEW OF PETITIONS.**

**01. Initial Review of Petition.** Prior to ~~filing~~ submitting a petition with an authorized chartering entity, petitioners shall submit six (6) copies of the proposed draft petition to the Department, which shall ~~conduct a legal sufficiency~~ review ~~of~~ the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code.

**02. Timeframe for Initial Review.** The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt.

**03. Notification of Findings After Initial Review.** The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition.

**04. Substantive Review of Petition.** The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. ~~In order to promote a fair and equitable review of petitions for public charter school formations in the state, the Board may adopt model evaluation procedures for use by authorized chartering entities.~~

**05. Timeframe for Substantive Review.** An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code.

**a.** Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(a)(iii), Idaho Code, and as discussed in Subsection 2065.01, of these rules, an authorized chartering entity must hold a meeting open to the public, not later than thirty (30) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the meeting must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district.

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b. An authorized chartering entity must make a decision on whether to approve the petition and grant the charter within sixty (60) days after receipt of the petition.

c. An authorized chartering entity and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition up to an additional sixty (60) days. In addition, the authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional sixty (60) days if it determines the petition is incomplete or fails to contain the requisite signatures.

**06. If Petition Is Approved, Charter Is **Granted**, Subject to Limitations on Number of New Charters.**

a. If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, and with a copy of the ~~final~~-approved petition charter, in accordance with the procedure described in Section 100 of these rules.

b. The ~~grant of a charter approval of a petition~~ by an authorized chartering entity does not provide the petitioners with any right to begin ~~operating educational instruction at~~ the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules.

**07. If Denied, Petitioners May Appeal.**

a. If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states and/or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. If an authorized chartering entity fails to reach a decision on a petition before the time period by which a decision must be made, then this shall be considered a denial of the petition for failure to comply with the requirements of Title 33, Chapter 52, Idaho Code.

b. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules.

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**2065. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.**

**01. Referral of Petition by Local Board of Trustees.** A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(a)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly forward the petition to the Commission.

**02. Withdrawal by Charter School Petitioners.** Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter school petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within thirty (30) days after the submission of the petition with the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort. The petitioners shall provide a written explanation of the efforts made to reach a mutual agreement when the petition is submitted to the Commission.

**03. Reasonable and Good Faith Effort.** ~~A board of trustees of a local school district will be considered to have made a reasonable and good faith effort to consider the merits of a petition if it has taken an affirmative step to substantively review the petition by posting notice of an open meeting for the purpose of considering the merits of the petition, and such meeting is scheduled to occur not later than thirty (30) days after the date of submission of the petition with the authorized chartering entity. For purposes of Section 205.02 of these rules, the parties shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the parties take at least all of the following actions:~~

**a.** The authorized chartering entity must send written notice to petitioners acknowledging receipt of the petition and the date of receipt.

**b.** The authorized chartering entity posts public notice of an open meeting for the purpose of considering the petition, and such meeting is scheduled to occur not later than thirty (30) days after receipt of the petition by the authorized chartering entity.

**c.** Prior to the date the posted open meeting is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. In the event correspondence is sent to petitioners identifying concerns with the petition, then petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.

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d. Either prior to or at the posted open meeting, representatives from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the petition.

**2076. -- 299. (RESERVED).**

**300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.**

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring compliance with Section 33-5204(1), Idaho Code.

**02. Compliance with Terms of Charter.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with all of the terms and conditions of the charter approved by the authorized chartering entity of the school, as reflected in the final approved petition filed with the Board. In addition, the governing board of the public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies.

**03. Annual Reports.** The governing board of a public charter school must submit an annual report to the authorized chartering entity of the school, as required by Section 33-5206(7), Idaho Code. The report shall contain the audit of the fiscal and programmatic operations as required in Section 33-5205(3)(j), Idaho Code, a report on student progress based on the public charter school's student educational standards identified in Section 33-5205(3)(b), Idaho Code, and a copy of the public charter school's accreditation report. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its charter.

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its charter. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected.

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

**01. Compliance Monitoring.** Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ensuring that the public charter school operates in accordance with all of the terms and conditions of the charter approved by the authorized chartering entity, as reflected in the

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final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school ~~program approved by the authorized chartering entity~~ meets the terms of the approved charter, complies with the general education laws of the state, unless specifically directed otherwise in ~~Chapter 52~~, Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code.

**02. Written Notice of Defect.** If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Section 33-5209(2)(a)(e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect.

**03. Corrective Action Plan.** The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect within twenty (20) days of the date of the written notice of a defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. The public charter school shall send a copy of the corrective action plan to the Board.

**04. Failure to Cure.** If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules.

**302. CHARTER REVISIONS.**

The governing board of Aa public charter school may reasonably request that its authorized chartering entity revise its charter, as authorized by Section 33-5209(1), Idaho Code.

**01. Request for Revision.** The governing board of Aa public charter school that desires to revise its charter must ~~file~~ submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit six (6) copies of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and authorized chartering entity promptly in writing describing the results of such review. If the Department does not complete the review within thirty (30) days after receipt, then the proposed revisions shall be deemed sufficient.

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**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school, unless the parties otherwise mutually agree.

**03. Procedure for Reviewing Request for Charter Revision.** The authorized chartering entity shall have thirty (30) days from the date ~~the proposal for a charter revision is submitted to it~~ of receipt of the written notice from the Department, or the date the revisions are deemed sufficient, whichever is earlier, in which to issue its decision on the request for charter revision. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision.

**04. Approval of Proposed Charter Revision.** If the authorized chartering entity approves the proposed charter revision, a copy of such revision shall be executed by each of the parties to the charter ~~contract~~ written notice of the approval shall be sent to the governing board of the charter school and the approved revisions shall be treated as either a supplement to, or amendment of, the final approved petition, whatever the case may be, incorporated into the approval charter. The governing board of the public charter school shall be responsible for sending a copy of the charter revision to the Board, as required by Subsection 100.02- of these rules.

**05. Denial of Proposed Charter Revision.** If the proposed revision to the approved charter is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for the requested charter revision. The decision to deny a request for a charter revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter revision to the Board. The provisions of Section 403, of these rules, shall govern the appeal. If an authorized chartering entity fails to reach a decision on a request before the time period by which a decision must be made, then this shall be considered a denial of the request.

**303. REVOCATION.**

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303, of this rule, if a public charter school has failed to cure a defect with respect to the operation of the public charter school, as described in Subsection 301.04 of these rules, after receiving reasonable notice and a reasonable opportunity to cure the defect.

**01. Written Notice of Intention to Revoke Charter.** The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall



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provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice.

**02. Public Hearing.** The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity.

a. Written notification of the hearing date and time shall be sent to the public charter school at least ten (10) days in advance of the hearing.

b. The public hearing shall be conducted by the governing authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code.

**03. Charter Revocation.** If the authorized chartering entity determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal.

**304. -- 399. (RESERVED).**

**400. APPEALS.**

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules:

**01. Denial of New Petition.** The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code.

**02. Grant of Conversion Petition.** The granting by an authorized chartering entity of a petition to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code.

**03. Denial of Charter Revision.** The denial by the authorized chartering entity of a public charter school of a request to revise a charter, as authorized by Section 33-5209(4), Idaho Code.

**04. Revocation.** A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209(4), Idaho Code.

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**401. APPEAL TO THE DEPARTMENT OF A DECISION RELATING TO THE FORMATION OF A NEW OR CONVERSION PUBLIC CHARTER SCHOOL.**

The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code. The following procedures shall govern such appeals.

**01. Filing Submission of Appeal.** To institute an appeal, the petitioners/appellants shall ~~file~~ submit a notice of appeal and request for public hearing in writing ~~with~~ to the Department that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the decision of the authorized chartering entity that reviewed the petition. A copy of the notice of appeal shall be ~~filed-with~~ submitted to the authorized chartering entity, and with the Board. In addition, contemporaneous with the filing submission of the notice of appeal, the petitioners/appellants shall also ~~file-with~~ submit to the Department two (2) copies of the complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents:

a. The name, address, and telephone number of the contact person or persons filing submitting the appeal on behalf of petitioners/appellants, as well as the authorized chartering entity that issued the decision being appealed.

b. The complete petition that was ~~filed-with~~ submitted to the authorized chartering entity, including any amendments thereto or supplements thereof.

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the petition was considered and/or discussed.

d. All correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition from the date the original petition was ~~filed~~ submitted until the date the authorized chartering entity issued the decision being appealed.

e. The written decision provided by the authorized chartering entity to the petitioner. A copy of such notice of appeal shall be submitted to the authorized chartering entity whose decision is being appealed, and to the Board.

**02. Hearing Officer.** The Department shall hire a hearing officer to review the action of the authorized chartering entity and to conduct a public hearing, pursuant to Section 67-5242, Idaho Code. The Department shall forward to the hearing officer one (1) copy of the record provided by petitioners/appellants and attached to the notice of appeal.



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**03. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted by the hearing officer within thirty (30) days after the date of the filing submission of the notice of appeal and request for a public hearing with the Department.

**04. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time, place, and nature of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided ~~to~~by all parties.

**05. Prehearing Conference.** The hearing officer may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding.

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. Any party may request that a transcript of the recorded hearing be prepared, at the expense of the party requesting such transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense.

**07. Hearing Officer's Recommendation.** The hearing officer shall issue a recommendation within ten (10) days after the date of the hearing. The recommendation shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the hearing officer; and a recommendation affirming or reversing the decision of the authorized chartering entity. The hearing officer shall mail or deliver a copy of the recommendation to the Department, the petitioners/appellants, and the authorized chartering entity.

**08. Review of Recommendation by Authorized Chartering Entity.**

**a.** The authorized chartering entity shall hold a public hearing to review the recommendation of the hearing officer within thirty (30) days of receipt of the recommendation.

**b.** Written notification of the scheduled public hearing shall be sent by the

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authorized chartering entity to the petitioners/appellants at least ten (10) days prior to the scheduled hearing date.

c. The authorized chartering entity shall make a final decision to affirm or reverse its initial decision within ten (10) days after the date the public hearing is conducted.

**09. Reversal of Initial Decision.**

a. If the authorized chartering entity reverses its initial decision and denies the conversion of a traditional public school to a public charter school, then that decision is final and there shall be no further appeal.

b. If the authorized chartering entity reverses its initial decision and approves the new public charter school, then the charter shall be granted and there shall be no further appeal.

**10. Affirmation of Initial Decision.**

a. If the authorized chartering entity affirms its initial decision to authorize the conversion of a traditional public school to a public charter school, then the charter shall be granted and there shall be no further appeal.

b. If the authorized chartering entity affirms its initial decision and denies the grant of a new public charter school, then the petitioners/appellants may appeal such final decision further to the Board in accordance with the procedure described in Section 402 of these rules.

**402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.**

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school.

**01. Filing Submission of Appeal.** The petitioners/appellants shall ~~file~~ submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be ~~filed with~~ submitted to the authorized chartering entity. In addition, contemporaneous with the filing submission of the notice of appeal, the petitioners/appellants shall also ~~file, with~~ submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents:

a. The complete record ~~filed with~~ submitted to the Department, as provided

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in Subsection 401.01.a through 401.01.e of these rules.

b. A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules.

c. A copy of the hearing officer's recommendation.

d. Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a through c. of these rules.

e. Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department.

f. The final written decision provided by the authorized chartering entity to the petitioners/appellants.

**02. Public Hearing.** A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule.

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties.

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing.

**05. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed

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public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties.

**06. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions:

**a.** Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code.

**b.** Remand the petition back to the authorized chartering entity for further consideration with directions or instructions relating to such further review.

**c.** Redirect the petition for consideration to another authorized chartering entity.

**d.** Deny the appeal ~~filed~~ submitted by the petitioners/appellants.

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION.**

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter revocation decision.

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**01. Filing Submission of Appeal.** The governing board of the public charter school shall ~~file~~ submit a notice of appeal in writing ~~with~~ to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to revoke a charter or to deny a charter revision. A copy of the notice of appeal shall be ~~filed with~~ submitted to the authorized chartering entity. In addition, contemporaneous with the filing submission of the notice of appeal, the appellant charter school shall also ~~file with~~ submit to the Board eleven (11), three (3)-holed punched, copies of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents:

**a.** The name, address, and telephone number of the contact person for the governing board of the appellant public charter school and the authorized chartering entity that issued the decision being appealed.

**b.** Copies of all correspondence and/or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed.

**c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered and/or discussed.

**d.** The written decision provided by the authorized chartering entity to the appellant public charter school.

**02. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the ~~filing~~ submission of the notice of appeal.

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties.

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing.

**05. Prehearing Conference.** The entity conducting the public hearing may,

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upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding.

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense.

**07. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the decision; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, reversing, or modifying the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties.

**08. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions:

**a.** Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the revocation of the charter, or the request to revise the charter, or that the



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authorized chartering authority acted in an arbitrary manner in determining to revoke the charter, or in denying the request to revise the charter.

b. Remand the matter back to the authorized chartering authority for further consideration with directions or instructions relating to such further review.

c. Redirect the matter for consideration to another authorized chartering entity, with directions or instructions relating to such review.

d. Deny the appeal filed by the appellants.

**404. EX PARTE COMMUNICATIONS.**

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication.

**405. -- 499. (RESERVED).**

**500. MISCELLANEOUS.**

**01. Definition of LEA.** As used in Section 500 of ~~this~~ these rules, the term "local education agency" or "LEA" shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18.

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and state the reasons why the public charter school is requesting LEA status, and must be submitted to the executive director of the Board. The executive director of the Board shall have the responsibility of designating those public charter schools that will be identified as an LEA, in accordance with the following criteria. A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA, except that the executive director of the Board may designate a public virtual school that is chartered by the board of trustees of a school district as an LEA. A public charter school that is chartered by the Commission must be designated as an LEA. If the executive director determines, in his ~~or her~~ reasonable

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discretion, that a public charter school has demonstrated a compelling reason to be designated an LEA, but such public charter school is not eligible under the criteria contained herein, then the executive director may refer such request to the Board for consideration.

**501. -- 999. (RESERVED).**



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TITLE 33  
EDUCATION  
CHAPTER 52  
PUBLIC CHARTER SCHOOLS

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33-5203. AUTHORIZATION -- LIMITATIONS.

(6) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

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**REFERENCE**

June 18, 2003      The Commercial Driving School Rules were brought to the Board for their review and approval. The Board voted to hold the rules until their August meeting and directed Board staff to place the rules on the webpage and allow for comment up to 20 days prior to the meeting.

August 12, 2004      The Board approved the proposed rules for Commercial Driving Schools.

November 12, 2004      The Board approved the pending rules for Commercial Driving Schools

**SUBJECT**

Approval of Temporary Rules Governing Thoroughness, Standards for Commercial Driving Schools.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 49-2102, Idaho Code requires the State Board to adopt rules concerning the administration and enforcement of Commercial Driving Schools.  
Section 49-303, Idaho Code states that in order to receive a Driver's license, the driver must have completed an approved driver's training course

**BACKGROUND**

The Standards for Commercial Driving Schools have been negotiated for over two years. The Board approved the culmination of these negotiations with the pending rule in November and directed staff to prepare the rule for review by the 2005 Legislature. Testimony received in the House and Senate Education Committees by both the commercial driving school owners and the State Department of Education (SDE) indicated that the standards incorporated by reference into the rule were still unacceptable.

**DISCUSSION**

Senators Andreason and Gannon asked Board staff, SDE staff, and members of the Commercial Driving School organization to meet with them in an attempt to approve these rules. At that meeting, all parties involved agreed to remove certain sections of the standards in an effort to maintain as much of the standards as possible. Board staff made it clear at that meeting, and during testimony to both Senate and House Education Committees, that while the Board would agree to the removal of certain sections of the standards, it was with the understanding that all parties would immediately go back into negotiations on the standards once again. Senators Andreason and Gannon agreed to participate in those negotiations.

The sections that were removed were Section 1.8 which referred to the Course Content Outline and Sequence; Subsection 9.3.a. which referred to the number

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of days in which a class must be conducted; Subsection 9.4.f which referred to the hours per week that classroom instruction could be conducted; and Subsection 9.4.g. which referred to the hours per day that classroom instruction could be conducted.

As the rule now stands there is no requirement for commercial driving schools to submit any course content outline or sequence to SDE, there is no requirement for the number of days in which the course must be conducted, nor is there any requirement for the number of hours per week or day that classroom instruction may be conducted.

**IMPACT**

If the Board approves the Standards for Commercial Driving Schools, the Standards will read exactly as was agreed upon by all parties and the legislature. However, there will be no requirement for Commercial Driving Schools to submit content standards and benchmarks to the SDE. Furthermore, there will be no limitations on the number of hours per week or day under which a course may be conducted.

If the Board rejects the Standards for Commercial Driving Schools, the Commercial Driving Schools will remain under the requirements currently set out in the Standards adopted on November 12, 2004. Sections of those standards were expressly rejected by the legislature and the Board will be in direct conflict with the wishes of the legislature.

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends the approval of the temporary rule as submitted and further recommends that the Board 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 discuss time limits for classroom instruction.

**BOARD ACTION**

A motion 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.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates into its rules: (4-5-00)

**01. Incorporated Document.** The Idaho Standards for the Initial Certification of Professional School Personnel as approved on in November 2003. (3-16-04)

**02. Document Availability.** The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at [http:// www.idahoboardofed.org](http://www.idahoboardofed.org). (3-16-04)

**03. Incorporated Document.** The Standards for Idaho School Buses and Operations as approved on November 15, 2001. (7-1-02)

**04. Document Availability.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (7-1-02)

**05. Incorporated Document.** The Idaho Standards for Public School Driver Education and Training as approved on November 22, 2002. (5-3-03)

**06. Document Availability.** The Idaho Standards for Public School Driver Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (5-3-03)

**07. Incorporated Document.** The Standards for Commercial Driving Schools as approved on ~~November 12, 2004~~ March 10, 2005. (3-10-05)T

**08. Document Availability.** The Standards for Commercial Driving Schools are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**230. DRIVER EDUCATION.**

**01. Commercial Schools.** All driver education courses offered in Idaho commercial schools must be conducted in compliance with all the requirements in the Standards for Commercial Driving Schools as approved on ~~November 12, 2004~~ March 10, 2005. (3-10-05)T

**02. Public Schools.** All driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the Idaho Standards for Public School Driver Education and Training as approved on November 22, 2002. (5-3-03)

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# Standards for Commercial Driving Schools

Published by the  
Idaho State Department of Education

P.O. Box 83720  
Boise, Idaho 83720-0027

Dr. Marilyn Howard  
State Superintendent of Public Instruction

March 10, 2005

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**IDAPA 08.02.02.240.01**

**Commercial Schools.** All driver education courses offered in Idaho commercial schools must be conducted in compliance with the requirements set forth in this manual, IDAPA 08.02.02, "Rules Governing Uniformity", Subsection 240.01 and (Title 49, Chapter 21, Idaho Code).

## **1.0 DRIVING SCHOOL LICENSE**

- 1.1 Display of Licenses.** Commercial driving school licenses are not transferable and are to be conspicuously displayed in the principal place of business. All branch locations must meet the same requirements as the principal place of business.
- 1.2 Advertising.** Schools may represent that the school is licensed by the State Board of Education, and may use no other words to indicate compliance.
- 1.3 Applications.** All applications for an original or renewal license must be submitted on the most current form provided by the Department of Education. Applications must be submitted at least twenty (20) calendar days prior to licensing. Licensees must submit any change or revision to the information provided in the application within twenty (20) calendar days of any such change or revision. In addition to the requirements set forth in Section 49-2102 and 49-2104, Idaho Code, applications must include the items 1.4 through 1.8.
- 1.4 Certificate of Occupancy from the Local Area Fire Marshall or Local Authorized City or County Agency:**
- a. If using a public building, a copy of the certificate issued to the building/room.
  - b. If using a private building, a copy of the certificate issued to the building/room.
  - c. If using public or private school facilities, a copy of the certificate is not required.
  - d. The building must meet the standards set forth in the American with Disabilities Act if services are provided to disabled students.
- 1.5 Certificate of Automobile Insurance.** Certificate of automobile insurance with a minimum of five-thousand dollars (\$5,000) (each person) medical insurance, one-hundred thousand dollars (\$100,000) liability, property damage and, five hundred thousand dollars (\$500,000) bodily injury and property liability, each person, each accident for each vehicle to be used for training.
- 1.6 Criminal History Check.** Anyone affiliated with the operation or instruction of a Commercial Driving School must undergo a criminal history check using the provisions in Section 49-2103, Idaho Code. If the

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employee remains continuously employed with a school, an additional background check is not required. However, when a person begins employment with another commercial driving school, a criminal history check is required.

- 1.7 School Policies.** Written school policies must be given to the student and parent or legal guardian that state the attendance and passing criteria and when additional fees may be charged to a student.

~~**1.8 Course Content Outline and Sequence.** A copy of the course content outline and a scope and sequence for both the in-car and classroom instruction for approval. The content shall be based upon the Department of Education's Content Standards and Benchmarks for an Approved Idaho Teen Driver Education and Training Program.~~

## **2.0 COMMERCIAL DRIVING SCHOOL VEHICLES**

- 2.1 Annual and Mechanical Vehicle Inspection.** Before a vehicle is used for instruction, a certified ASE mechanic must inspect the vehicle using the *Driver Education Vehicle Inspection Form* provided by the Department of Education, or a similar form provided by the ASA mechanic or vehicle technician. Vehicles not passing the inspection must be placed out of service until the needed repairs or equipment are made and the vehicle passes re-inspection. Annual mechanical inspections must be completed every twelve (12) months using the *Twelve (12)-Month Vehicle Inspection Form* provided by the Department of Education or a similar form provided by an ASA mechanic. Following any incident involving the driver education vehicle that requires an investigation and report by law enforcement, or in which the damage exceeds \$750 in damage, the school must withdraw the vehicle from the fleet and not use it for instruction until written proof of repairs by an ASA mechanic or vehicle technician has been submitted to the Department of Education.

- 2.2 Required Equipment.** All motor vehicles used to practice driving lessons must be equipped with the following:
- a. Dual Control Brake Pedal.** A dual control brake pedal within easy reach of the instructor and capable of bringing the vehicle to a stop in accordance with Section 49-933(7), Idaho Code.
  - b. Operating Safety Belts.** Operating safety belts for all occupants.
  - c. Rearview Mirror.** An inside rear view mirror for the exclusive use of the instructor.

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- d. **Side-View Mirror.** Side-view mirror on each side of the vehicle, adjusted for the driver's use.
- e. **Signs.** Safely secured signs that can be seen from outside the vehicle to the rear and both sides of the vehicle;
  - 1) The signs and letters will be of contrasting colors so as to be clearly readable at one hundred (100) feet in clear daylight.
  - 2) Signs to the rear and sides will have "STUDENT DRIVER," "DRIVER EDUCATION," "DRIVER'S TRAINING" or DRIVING SCHOOL with not less than two (2) inch high lettering.
  - 3) Signs to both sides of the vehicle will have the name of the driving school with not less than two-inch (2) high lettering.

### **3.0 COLLISION/INCIDENT REPORTS**

The School must submit a Collision/Incident Report Form to the Department of Education within fifteen (15) days following any incident involving a driver training vehicle that required an investigation and report by law enforcement.

### **4.0 COMMERCIAL DRIVING SCHOOL FACILITIES**

Classrooms will be in compliance with local and state fire, safety, and health codes. Each school must provide adequate classroom space, seating, and a hard surface for writing for each student. At least one (1) sanitary facility must also be provided.

### **5.0 STUDENT RECORDS**

- 5.1 **Report of Students Enrolled.** Schools must submit to the Department of Education a report that includes the total number of students enrolled, passed, failed, and withdrawn during the previous fiscal year between July 1 and June 30. The report must be submitted by August 1 of each year.
- 5.2 **Maintenance of Student Records.** Original student records must be made in ink, or inserted into computer records, and updated after each lesson. All original student records must be maintained for a minimum of three (3) years. Student records must be maintained for all students including those who passed, failed, or withdrew. Each student's record must include:
  - a. Student's full name, address, and telephone number;

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- b. Commercial Training (CT) permit number;
- c. Attendance records; and
- d. In-Car logs must be maintained in ink, include the following information, and shall be available in the vehicle during each student's drive:
  - 1) Student name;
  - 2) Commercial driver training permit number;
  - 3) Emergency contact name and phone number;
  - 4) Instructor's name;
  - 5) Date and time of each drive, including the amount of driving and observation time;
  - 6) Skills taught during each drive;
  - 7) Instructor remarks;
  - 8) Student's initials verifying time and date for each drive and observation;
  - 9) Final behind-the-wheel grade; and
  - 10) Special accommodations, if used.

**6.0 MONITORING OF COMMERCIAL DRIVING SCHOOLS**

The Department of Education shall monitor commercial driving schools and instructors for instructional and administrative compliance with state requirements.

**6.1 Access To Facilities.** All proposed or licensed commercial driving schools shall allow the Department of Education access to business facilities, and student records, with a thirty (30) days advance notice. However, if a formally signed safety complaint is filed with the Department of Education, the Department of Education shall be allowed immediate access upon prior notification to the school.

**6.2 Documentation.** Schools must fulfill requests for required documentation within twenty (20) calendar days.

- 6.3. Review Provided to the School.** Upon completion of the physical review date, the Department of Education shall have twenty (20) calendar days in which to provide the commercial driving school owner a copy of such report.

## **7.0 DRIVING SCHOOL INSTRUCTOR LICENSE APPLICATION**

- 7.1 General Requirements.** Applicants must be at least twenty-one (21) years of age and have a high school diploma or a GED equivalent. Applicants for an original or renewal license must possess a valid Idaho Class A-D driver license and have a satisfactory driving record. A driving record will be determined satisfactory only if the applicant:
- a.** Has not received a court suspension or revocation that is not traffic related;
  - b.** Has not been convicted of a traffic violation that carries a mandatory suspension or revocation of the driver's license within the preceding thirty-six (36) months;
  - c.** Has not been convicted of more than one (1) moving traffic violation within any twelve (12) month period of the previous thirty-six (36) months;
  - d.** Has not been convicted for driving while his driver's license was revoked or suspended.
- 7.2 Medical Examination.** Applicants providing in-car instruction must have a medical examination from a licensed medical doctor that is equivalent to the requirements set forth in the Federal Motor Carriers Safety Regulations (CFR 391.41, incorporated as Appendix A) or a current commercial driver license (CDL) medical certificate.
- a.** The medical exam must indicate whether the applicant has any ailment, disease, or physical or mental disability(ies) that may cause momentary or prolonged lapses of consciousness or control, that is or may become chronic.
  - b.** Applicants must not be suffering from a physical or mental disability or disease that may prevent the applicant from maintaining reasonable and ordinary control over a motor vehicle or that could impair the applicant's ability to drive safely or instruct automobile drivers.
  - c.** The medical exam must be renewed every two (2) years.

- 7.3 Education Requirements.** Required course work must be obtained through state agencies or accredited colleges or universities. Required course work may also be obtained through other professional and educational organizations as approved by the Department of Education.
- a. Applicants for an original license must have completed at least four (4) semester credit hours in driver education consisting of not less than two (2) semester credit hours of classroom driver education techniques and not less than two (2) semester credit hours of in-car, behind-the-wheel practicum of instructional techniques. Applicants must receive an eighty percent (80%) or higher grade for the courses as shown on an official transcript.
  - b. Applicants for an original license must have also completed at least eight (8) semester credit hours in courses that will help prepare the applicant to be a teacher of driver education.
  - c. The Department of Education will offer guidance and pre-approval of courses for original license applicants.
- 7.4 Proficiency.** Applicants for an original license must pass a written test, administered by the Department of Education, with a grade of eighty percent (80%) or higher. The test will include:
- a. Requirements to obtain a driver license in Idaho;
  - b. State Board Rules for Commercial Driving Schools
  - c. Driver education and training technical content;
  - d. Signs, signals, and markings;
  - e. Idaho driving laws; and
  - f. Instructional techniques.
  - g. Applicants for an original license must submit an ITD skills test form that has been administered by an ITD skills tester within the past twelve (12) months, with a passing score of not more than seven (7) penalty points. If the applicant fails the skills test or knowledge test, the applicant must wait three (3) days before retesting.
- 7.5 Professional Development.** Applicants for a renewal license shall provide verification of attendance or certificate of completion of at least fifteen (15) hours every two (2) years of professional development training

in courses that expand the depth of knowledge of a driver education and training instruction. Examples include: motivating learners, learning styles, assessment, use of technology, classroom techniques, in-car techniques, developing lesson plans, and motor learning. Instruction may be obtained through state agencies, accredited colleges or universities, or other professional education organizations as approved by the Department of Education.

- a. The Department of Education shall maintain and distribute, annually, a listing of known available Driver Education offerings for license holders seeking professional development.
- b. The Department of Education shall offer at least fifteen (15) hours every two (2) years of professional development opportunities for driver education instructor license holders. Additionally, professional development training may be obtained through other state agencies, accredited colleges or universities, or other professional and educational organizations.

#### **8.0 CELL PHONE USE DURING IN-CAR TRAINING**

Cell phone usage while a student is driving is limited to emergency purposes only.

#### **9.0 APPROVED TEEN DRIVER EDUCATION AND TRAINING PROGRAM (TRAINING PROGRAM)**

A teen driver between the age of fourteen and one-half (14 ½) and seventeen (17) may enroll in driver education and training to be eligible for a license at age fifteen (15). The commercial driver-training (CT) permit must be purchased before the student participates in any instruction. The following standards are the Approved Teen Driver Education and Training Program for commercial driver training schools.

##### **9.1 Enrolled Students**

- a. A student is considered enrolled when the student attends the first day of a scheduled class and continues until course completion.
- b. No student will be admitted to class unless they can prove they have purchased a valid permit.

**9.2 Late Enrollment.** A student may miss the first three (3) hours of classroom instruction. However, the hours must be made up before the student receives their permit. Enrollment is not permitted after the first three (3) hours have been conducted.



**9.3 Minimum Hours and Days**

- a.** ~~The Training Program shall be conducted in not less than thirty-nine (39) calendar days when school is in session and not less than thirty (30) calendar days when school is not in session.~~
- ba.** The course shall include thirty (30) hours of classroom instruction, six (6) hours of behind-the-wheel instruction, and six (6) hours of observation, per Section 49-2102, Idaho Code.
- cb.** The thirty (30) hours of classroom instruction requires contact with the instructor. Homework assignments completed outside the classroom shall not be counted in the thirty (30) hours.

**9.4 Scheduling**

- a.** Each behind-the-wheel lesson shall be taught in the classroom prior to practicing the lesson during behind-the wheel instruction.
- b.** Classroom instruction shall not be completed prior to starting in-car practice.
- c.** Two (2) or more separate classes may not be combined into one class unless the lesson and content is taught to the two classes for the first time.
- d.** Before students begin behind-the-wheel instruction on a public roadway, they shall first be given classroom instruction for the basics of:

  - 1) Approaching the vehicle with awareness;
  - 2) Orientation to controls;
  - 3) Use of vision to control the vehicle;
  - 4) Proper use of the steering wheel;
  - 5) Accelerator and brake control;
  - 6) Turning left and right;
  - 7) Signs, signals, and markings; and
  - 8) Rules of the road.

- e. The number of students scheduled per class shall not exceed a maximum of thirty-six (36).
- ~~f. Classroom instruction shall not exceed a maximum twelve one-half (12 1/2) hours per week when school is in session and fifteen (15) hours per week when school is not in session.~~
- ~~g. Classroom instruction shall not exceed a maximum of two and one-half (2 1/2) hours per day when school is in session and three (3) hours per day when school is not in session.~~
- hf. Classes scheduled for more than two (2) hours per day shall be provided a five (5) minute break every hour.
- ig. Classroom instruction shall not begin earlier than 6 a.m. nor last later than 10 p.m.

**9.5. Behind-the-Wheel Driving Time**

- a. The maximum behind-the-wheel driving time for each student is sixty (60) minutes per day.
- b. Behind-the-wheel instruction must not exceed three (3) hours per week.
- c. Behind-the-wheel instruction shall not begin earlier than 6 a.m. nor end later than 10 p.m.
- d. Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objective of the drive lesson.
- e. Of the six (6) hours required for behind-the-wheel driving time, at least two (2) hours must be conducted during daylight.

**9.6 Observation Time**

- a. Students may observe from the rear seat of a driver education vehicle for a maximum of two (2) hours per day.
- b. The observation times and dates will be verified by the student's signature on an observation log and kept on file with the student's record.
- c. Observation time may be completed by observing a parent or legal guardian when it is determined to be in the best interest of the

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student. The school's form will be used for documentation of times, dates, and drive objectives. .

**9.7 Vehicle Occupants**

- a. Only the instructor and student driver may occupy the front seats.
- b. In-car instruction must include not less than two (2) or more than three (3) students in the car.

One (1) student may be scheduled to drive when it is determined to be in the best interest of the student. This exception must have prior written permission from the parent or legal guardian.

- c. No person can occupy a rear seat unless involved as a student, parent or legal guardian, instructor or student enrolled in a driver education teacher preparation course, translator, or supervisor of the driver-training program.

**9.8 Multiple-Car Driving Range.** Two (2) hours of driving on a multiple-car driving range may be substituted for one (1) hour of behind-the-wheel instruction. No more than three (3) hours of the total six (6) hours may be substituted using multiple-car driving range instruction.

**9.9 Simulation Instruction.** Three (3) hours using a simulator may be substituted for one (1) hour of behind-the-wheel instruction. No more than three (3) hours of the total six (6) hours may be substituted using simulation instruction.

**9.10 Program Substitution.** No more than three (3) hours of the total six (6) hours may be substituted using a combination of multiple-car driving range or simulation instruction.

**9.11 Make Up Policy.** A make up policy shall ensure that all required hours of instruction and course content are completed. Make up lessons shall be completed prior to taking either the final knowledge or behind-the wheel skills test. Make up lessons may be provided on an individual basis.

**9.12 Student Instruction Materials**

- a. Each student shall have access to instruction materials during the course. The instruction material shall be equal to, or exceed, the content of a current state-adopted driver education textbook and be compatible with the school's approved curriculum content outline. Textbooks, if used, shall be selected from the list adopted by the Department of Education.

- b. Each student shall have access to a current copy of the *Idaho Driver's Manual*. The *Idaho Driver's Manual* cannot be the sole source of instructional material

**9.13 Practice Guide/Log.** Each student or their parent or legal guardian shall be informed of the requirements of the Graduated Driver Licensing law. They shall also be provided with a supervising driver practice guide and log for their use during the required four (4) months of the Graduated Driver Licensing practice period.

**9.14 Department of Motor Vehicle Student List.** A Student List of the teen drivers enrolled in the Driver Education and Training Program shall be signed and submitted to the DMV within three (3) business days after class completion.

**9.15 Transfer Students From Out Of State.** Students completing driver education in another state must have received an equivalent to Idaho's Approved Teen Driver Education and Training Program standards. The documentation must be on an official school form and signed by the instructor or administrator. Students not meeting this standard must complete an Idaho approved Driver Education and Training Program to be eligible for a license before age seventeen (17).

## **10.0 STUDENT PROFICIENCY**

The standards for passing the Approved Teen Driver Education and Training Program shall be clearly set forth in writing to students by the completion of the first class.

**10.1 Student Areas Of Proficiency.** Students shall be assessed for knowledge, skills, and attitude. A student who fails in any one (1) of the three (3) grading criteria will be failed for the entire course.

**10.2 Supporting Documentation.** Supporting documentation of proficiency must be filed with the student's permanent record and retained by the school for three (3) years. .

**10.3 Course Completion.** Students shall be assessed on knowledge, skill, and attitude and earn a grade of eighty percent (80%) average or higher for successful completion of the course.

- a. **Final Knowledge Test.** A final knowledge test shall be administered at the completion of the course and the results will be retained with the student's record for three (3) years.

- b. Behind-the-Wheel Skills Test.** A final behind-the-wheel skills test shall be administered at the completion of the course. Each school must have planned, pre-determined routes. The student's skill test results will be retained with the student's records for three (3) years. .

**11.0 SUSPENSION, REVOCATION, OR DENIAL OF COMMERCIAL DRIVER SCHOOL OR INSTRUCTOR LICENSE**

**11.1 Grounds.** The Board may revoke, suspend, or deny any license authorized under Title 49, Chapter 21, Idaho Code, upon any of the following grounds:

- a.** Noncompliance with Title 49, Chapter 21, Idaho Code or applicable Board rules;
  - b.** Making any material statement of fact in the application for a license that the applicant knows to be false;
  - c.** Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other, for a crime involving moral turpitude; or
  - d.** Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other, for any felony or other crime listed in Section 33-1208, Idaho Code

**11.2 Notice And Opportunity For Hearing.** Before denial, revocation, or suspension of a license is final, the Board shall provide opportunity for a hearing as set forth in Title 67, Chapter 52, Idaho Code and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". The applicant, licensee, or their representative may appear and show cause as to why the license should not be denied, suspended, or revoked. Pending final action, or expiration of the appeal period or process, the status quo of the license will be preserved.

- a.** The applicant or licensee shall be notified by certified mail of the action to deny, suspend, or revoke a license and the reasons for denial, suspension, or revocation. Such notice will also set forth the applicant or licensee's appeal rights.
  - b.** If requested in writing by the applicant or licensee within twenty-one (21) days after receipt of the notice to deny, suspend, or revoke a license, the Board shall provide for a hearing.

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- c.** Any such hearing shall be conducted by an impartial hearing officer appointed by the Board and shall be an individual instructed in conducting administrative hearings.
- d.** Notice of time and place of such a hearing shall be given in writing to the person requesting the hearing at least thirty (30) days prior to such hearing.
- e.** Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine, and cross-examine witnesses. If he/she chooses to do so, the person complained against may submit, for the consideration of the hearing officer, a statement in writing, in lieu of oral testimony, but any such statement will be under oath and the person complained against will be subject to cross-examination. The hearing officer may determine to suspend, deny, or revoke a license; or may provide a probation with certain conditions to be met before a license shall continue or be granted; or may order a letter of reprimand be sent to the licensee. Any action of the hearing officer will be included in the permanent file of the applicant or licensee.
- f.** On the basis of such a hearing, or upon failure of the applicant or licensee to request such a hearing, the Board shall notify, by certified mail to the applicant or the licensee, the final decision to deny, suspend, or revoke approval of the license. The final decision will be a Preliminary Order, and contain the language required by Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General", advising the licensee or applicant of any rights for further review of the decision.
- g.** The applicant or licensee may appeal the final decision by filing an appeal in District Court within twenty-eight (28) days following receipt of the notification from the Department of Education.
- h.** Whenever any license has been denied, suspended, or revoked, the Board may, upon a clear showing that the cause constituting grounds for denial, suspension, or revocation no longer exists, issue or reinstate a license either conditionally or unconditionally.

Federal law prohibits discrimination on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue, Seattle WA 98174-1099, (206) 220-7880; FAX (206) 220-7887.

**APPENDIX A**

**Subpart E—Physical Qualifications and Examinations**

**§ 391.41 Physical qualifications for drivers.**

- (a) A person shall not drive a commercial motor vehicle unless he/she is physically qualified to do so and, except as provided in § 391.67, has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.
- (b) A person is physically qualified to drive a commercial motor vehicle if that person—
  - (1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a waiver pursuant to § 391.49;
  - (2) Has no impairment of:
    - (i) A hand or finger which interferes with prehension or power grasping; or
    - (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a waiver pursuant to § 391.49.
  - (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
  - (4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
  - (5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely;
  - (6) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a commercial motor vehicle safely;
  - (7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease, which interferes with his/her ability to control and operate a commercial motor vehicle safely;
  - (8) Has no established medical history or clinical diagnosis of epilepsy or any other condition, which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;
  - (9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely;



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- (10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
  - (11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.
  - (12)
    - (i) Does not use a controlled substance identified in 21 CFR 1308.11 *Schedule I*, an amphetamine, a narcotic, or any other habit-forming drug.
    - (ii) *Exception.* A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who:
      - (A) Is familiar with the driver's medical history and assigned duties; and
      - (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and
  - (13) Has no current clinical diagnosis of alcoholism.
- [35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 36 FR 223, Jan. 7, 1971; 36 FR 12857, July 8, 1971; 43 FR 56900, Dec. 5, 1978; 55 FR 3554, Feb. 1, 1990; 60 FR 38744, July 28, 1995; 62 FR 37152, July 11, 1997]

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TITLE 49  
MOTOR VEHICLES  
CHAPTER 21  
COMMERCIAL DRIVER SCHOOLS

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- 49-2102. SCHOOLS -- LICENSE REQUIRED -- CONTENTS OF APPLICATION FOR LICENSE. No commercial driver training school shall be established nor shall any existing school continue to operate, unless the school applies for and obtains from the state board of education a license in the manner and form prescribed by the state board of education. The application for license shall include a statement of the location of the school, a certificate of occupancy, a certificate of automobile insurance, a list of certified instructors, proof of an annual vehicle check, and a course of instruction for teen drivers aged fourteen and one-half (14 1/2) to seventeen (17) years which shall include the following standards: (1) Not less than thirty (30) hours of classroom instruction; (2) Not less than six (6) hours of behind-the-wheel practice driving; and (3) Not less than six (6) hours of observation.
- 49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, any instruction permit, privileges or right to drive and if issued, may revoke or cancel the driver's license of a person who:
- (1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who **has successfully completed an approved driver training course**, has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only except as provided in section 49-307(7), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. If a person who is at least fifteen (15) years but is under seventeen (17) years of age **has successfully completed an approved driver's training course** and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

**INSTITUTION / AGENCY AGENDA**  
**AGENCIES OF THE STATE BOARD**

**SUBJECT**

Reports from Board Agencies

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

Each agency of the Board has prepared a series of reports that allow a quick but informative view of each organization. The reports include financial data for the current and prior fiscal years. For this quarter's report, an overview describing the main functions of each agency and a short biography for each agency director is included.

Agency directors and financial staff have worked with the Office of the State Board of Education in the development of these reports.

**DISCUSSION**

The first page of each agency group is an agency overview and the second page is a biography of each director. Data on the third page includes one set of graphs that compares the prior fiscal year (FY 2004) to the current fiscal year-to-date (FY 2005) by actual quarterly expenditures. The fourth page displays prior year actual expenditures separated by "object code" (personnel costs, operating expense, capital outlay, and trustee & benefits). The fifth page of each agency displays a spreadsheet that displays Operating Expenditures only into more detailed categories. This report compares the data from three prior years and the current fiscal year-to-date.

The working title for this group of mini-reports is "dashboard reports".

**IMPACT**

Board members and other interested parties will have a quick and easy method to review historical and current financial and strategic plan information for Board agencies. Agency directors and fiscal staff will have a tool that allows easy presentation of commonly-requested operational data.

**STAFF COMMENTS AND RECOMMENDATIONS**

At the request of the Executive Director, agencies and Board staff have developed these mini-reports over the course of the past two calendar quarters. The financial data will be incorporated into Board agendas on a quarterly basis. The agency overview and the director biography will be included on a yearly basis.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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**INSTITUTION / AGENCY AGENDA**  
**AGENCIES OF THE STATE BOARD - continued**

**BOARD ACTION**

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

## **Office of the State Board of Education Agency Overview**

The Office of the State Board of Education (OSBE) is established by Section 33-102A, Idaho Code, as an executive agency of the State Board of Education. OSBE provides professional staff support to the eight member State Board of Education in fiscal, academic, legal, policy and personnel areas. The Board is responsible for the general supervision, governance, and control of Idaho's public education system from kindergarten through the doctoral level.

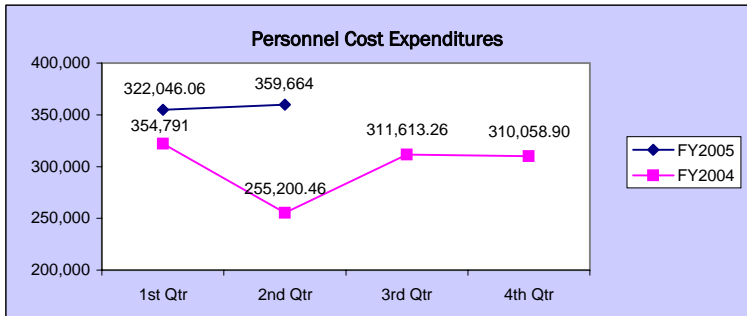
The executive director serves as executive officer of the Board, as chief administrative officer of the Office of the State Board of Education, and as chief executive officer of such federal or state programs as are directly vested in the State Board of Education. The executive director is appointed by and serves at the pleasure of the State Board of Education.

The Office of the State Board of Education assists the Board in the execution of its legal responsibilities. Consistent with that role, the office functions to:

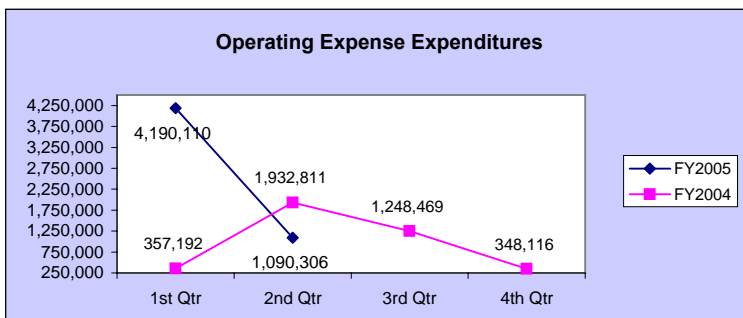
- a. provide information, analysis, and recommendations associated with the Board's decision making processes;
- b. coordinate the functions and activities of the agencies, institutions and schools governed by or funded through the Board;
- c. initiate, in cooperation with the agencies, institutions and schools, long term planning efforts which are responsive to emerging legal, social, and fiscal events in the state, region, and nation;
- d. interact, as directed by the Board, with other branches and representatives of state government;
- e. provide public information with respect to the Board, its policies, and its institutions, agencies and school;
- f. establish and coordinate the Board's plan for postsecondary education; and
- g. administer all programs and services assigned to the Board by statute, regulation, or appropriation.

Institutions under the governance of the State Board of Education are Boise State University, Idaho State University, Lewis-Clark State College, University of Idaho and Eastern Idaho Technical College. Agencies governed by the Board are the State Department of Education, Idaho Public Broadcasting, the Idaho Division of Professional-Technical Education, the Idaho Division of Vocational Rehabilitation, and the OSBE. The Idaho State Historical Society and the Idaho State Library operate with their own board of trustees who are appointed by the Board of Education. North Idaho College and the College of Southern Idaho also governed by separate boards of trustees. The State Board of Education governs state appropriations requests and some other matters for these entities.

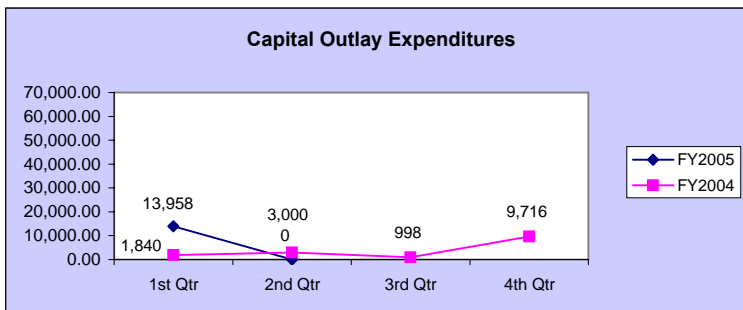
**Office of the State Board of Education  
Performance Report to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005**



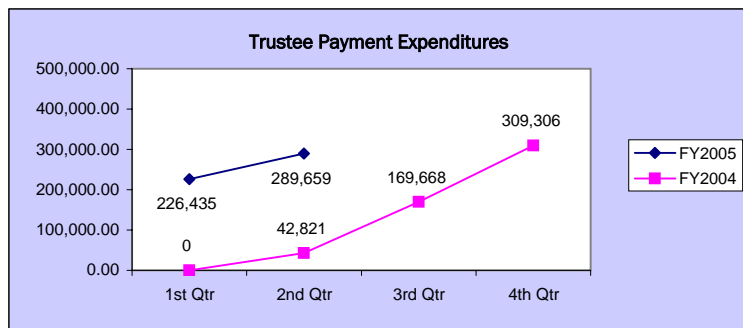
**Personnel Cost Expenditures:** Fluctuation is due to having seven payrolls in the 1st and 3rd quarters for FY 2004. In FY 2005 the first and second quarters have seven payrolls.



**Operating Expense Expenditures:** The increase in FY 2005 is due to an increase in State and Federal Funds, mainly for the Assessment and Accountability grant and the English Language Acquisition grant.

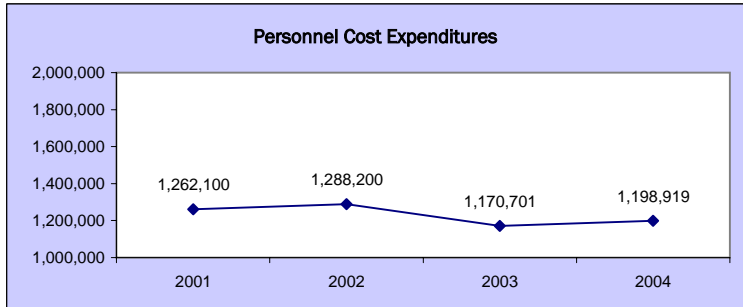


**Capital Outlay Expenditures:** .

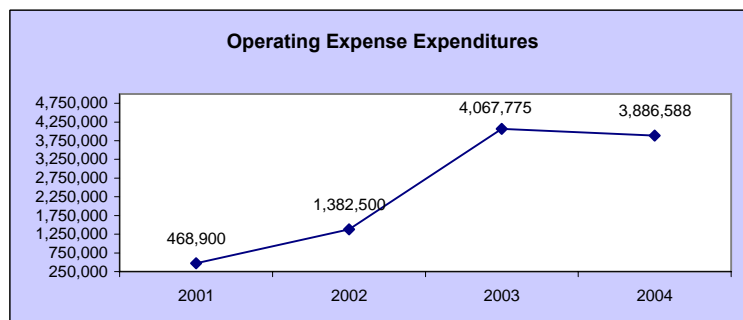


**Trustee Payment Expenditures:** Trustee payment expenditures are dependent on Trustee claim patterns which are extremely variable. The increase in FY 2005 is due to an increase in Federal Funds for the English Language Acquisition Grant.

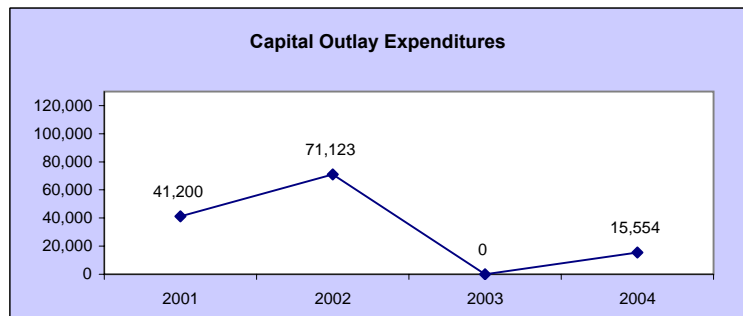
**Office of the State Board of Education  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



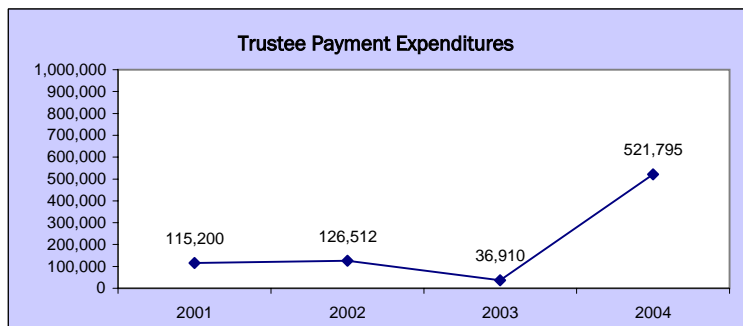
**Personnel Cost Expenditures:** FY 2003 and FY2004 are lower due to vacant positions.



**Operating Expense Expenditures:** The spike in FY 2003 includes a \$3.5 million increase in the General Fund for the Assessment & Accountability program.



**Capital Outlay Expenditures:** FY03 reduction was due to a base reduction in funding.



**Trustee Payment Expenditures:** The increase in FY 2004 is due to an increase in Federal Fund spending authority. The federal fund increase is used for the state assessments and for teacher quality and language acquisition activities in public schools.

Office of the State Board of Education  
Summary of Appropriation & Expenditures  
Fiscal Year 2002 - 2005  
Through December 2004

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 Appropriation	2,667,500	1,170,600	3,838,100	5,247,700	1,537,800	6,785,500	3,574,300	5,715,500	9,289,800	4,107,200	8,814,700	12,921,900
ACTUAL EXPENDITURES												
2 Salary & Benefits	1,147,107	141,093	1,288,200	1,054,674	116,027	1,170,701	1,066,818	132,101	1,198,919	564,535	149,920	714,455
3 Communication Costs	18,523	7,572	26,094	26,262	9,989	36,251	20,802	1,756	22,558	14,139	137	14,276
4 Employee Development	7,998	683	8,681	7,342	618	7,960	4,556	365	4,921	5,895	1,148	7,043
5 General Services	30,937	142	31,079	12,297	8,608	20,906	79,656	32,586	112,242	11,140	662	11,802
6 Professional Services	867,606	122,926	990,534	3,229,459	421,051	3,650,510	1,846,312	1,624,290	3,470,602	927,674	4,045,316	4,972,990
7 Repair & Maintenance Services	20,022		20,022	10,092	-	10,092	4,719	-	4,719	5,696	-	5,696
8 Administrative Services	6,691	20,447	27,138	7,454	2,769	10,224	11,386	406	11,792	1,234	6,048	7,282
9 Computer Services	27,558		27,558	14,839	-	14,839	18,298	9,000	27,298	786	13,680	14,466
10 Employee Travel	58,541	3,839	62,380	59,425	2,807	62,232	55,497	5,602	61,100	30,246	6,967	37,213
11 Administrative Supplies	8,568	709	9,277	4,531	556	5,087	10,460	934	11,393	10,560	768	11,329
12 Fuel Costs			-	-	-	-	-	-	-	-	-	-
13 Manufacturing & Merchandise Costs			-	-	-	-	-	-	-	-	-	-
14 Computer Supplies	9,586	292	9,877	12,116	1,160	13,276	8,980	676	9,656	5,072	1,000	6,073
15 Repair & Maintenance Supplies	1,923		1,923	27	-	27	405	-	405	-	-	-
16 Institutional & Residential Supplies			-	-	-	-	-	-	-	-	-	-
17 Specific Use Supplies			-	-	-	-	14	53	68	387	275	661
18 Insurance	4,361		4,361	4,312	-	4,312	4,006	-	4,006	1,316	-	1,316
19 Utility Charges			-	-	-	-	-	-	-	-	-	-
20 Rental & Operating Leases	53,205		53,205	52,735	2,973	55,708	52,382	460	52,842	28,772	298	29,069
21 Miscellaneous	42,240	68,129	110,369	79,567	96,784	176,352	55,932	37,054	92,986	130,200	31,001	161,201
22 Subtotal Operating Expenditures	1,157,759	224,741	1,382,500	3,520,458	547,317	4,067,775	2,173,406	1,713,181	3,886,588	1,173,116	4,107,300	5,280,416
23 Capital Outlay	71,123		71,123				4,457	11,097	15,554	13,958	-	13,958
24 Trustee & Benefits	119,512	7,000	126,512	29,410	7,500	36,910	42,821	478,974	521,795	85,000	431,094	516,094
25 TOTAL	2,495,501	372,834	2,868,335	4,604,542	670,844	5,275,386	3,287,502	2,335,353	5,622,856	1,836,609	4,688,313	6,524,923
26 % Change Over/Under Prior Year	65%	0%	52%	85%	80%	84%	-29%	248%	7%			
27 % of Appropriation Remaining										55%	47%	50%
28 % of Months Remaining										50%	50%	50%

Comments:

FY 2002: The increase in FY 2002 over FY 2001 is due primarily from the transfer of \$500,000 in ongoing General Fund money for Achievement Standards Assessment from the Office of the Superintendent of Public Instruction to the Office of the State Board of Education.

FY 2003: \$3.5 million in ongoing General Fund money was appropriated for the Assessment & Accountability effort. Support of the MOST program was shifted from the Albertson Foundation grant to federal Title II funding. There was a reduction in the FY 2003 base of \$1,107,800 for one-time expenditures.

FY 2004: The FY 2003 General Fund base was reduced by \$687,400 due to low revenue projections. The Federal Fund appropriation increased \$5,114,800. OSBE is the State Education Agency (SEA) for the federal funds that come from the U.S. Department of Education. OSBE is responsible for the administration of the expanded Assessment and Accountability program, Teacher Standards, Limited English Proficiency program and supervision of federally-funded programs across all school districts.



## **Idaho School for the Deaf and the Blind Agency Overview**

The state agency known as the Idaho School for the Deaf and the Blind (ISDB) is an integral part of the State Board of Education's overall plan and process for the delivery of quality education throughout Idaho. Our faculty, staff, and administration are focused toward achieving the Board's goals while tailoring our service delivery options to the unique clientele we serve throughout the state. The mission and vision of our agency and school reflects an ongoing commitment to meeting the challenge of educating the sensory impaired child and young adult from birth to twenty-one years of age.

ISDB currently serves approximately seven hundred and fifty (750+) students, both Deaf/Hard of Hearing and Blind/Visually Impaired, through a state-wide Outreach Program with seven (7) regional offices located in major cities. The Residence Campus, located in Gooding, ID, has both the State Headquarters/Administrative Offices and the Region-5 Outreach Office co-located there. We currently have eighty-two (82) students attending the Campus program. About half of these live in the residence cottages during the week and half are "day students" bussed in from immediate surrounding school districts.

ISDB currently operates three primary models of service delivery:

- 1) Outreach - consultation and guidance - providing supplemental services to LEAs that directly serve students living at home and attending their home district schools,
- 2) a "day program" where students attend a total D/HH or B/VI program at a campus away from the home district, and ...
- 3) a live-in Residence and Cottage Life program for students where an Individual Education Plan (IEP) has determined this to be the best environment for their educational and social skill development needs.
- 4) Public school mainstreaming is incorporated into the Day & Residence programs. Currently ISDB serves approximately 85% of LEAs with some level of service delivery.

Our agency fully participates in the OSBE corporate approach to strategic planning. We consider our Strategic Plan (*now once again being revised for 2005-2010*) to be a dynamic and inter-related process that focuses and coordinates all activity and resource allocations agency-wide. This document and all associated department guidance is intended to answer the larger questions of "What does this agency need to accomplish?" ... and "Where is our Primary Focus for the coming five-to-seven (5-7) year period?" The details of exactly how we intend to accomplish these objectives is spelled out in more detailed Organizational Plan(s) under the immediate direction of the department heads - coordinated through the Superintendent.

## **VISION STATEMENT**

To promote and maintain excellent and comprehensive educational opportunities for every deaf/hard of hearing and blind/visually impaired child in the state of Idaho from birth to 21 years of age. Our focus is on providing appropriate, effective, and efficient supplemental services to each and every Local Education Agency (LEA) in order to improve and enhance the quality of educational experience for every deaf and blind student throughout the state. Overall, our goal is to assist these students to realize their highest potential for an adult life of independence and self-sufficiency: a meaningful personal, family and community life; and a useful, productive occupational life as citizens of our State and our Nation.

## **MISSION STATEMENT**

The ISDB is committed to working with LEAs, parents, the State Department of Education and any other state agency to insure the educational needs of every deaf/hard of hearing and blind/visually impaired child in Idaho are met. Our focus is on compliance with state and federal regulations, and the ISAT targets. We specialize in the delivery of highest possible level and quality of supplemental services we can provide to the LEA, the student and parent, leading to the academic, occupational, and personal success of these young citizens.

## **Harvey W. Lyter**

### **Interim Superintendent Idaho School for the Deaf and the Blind**

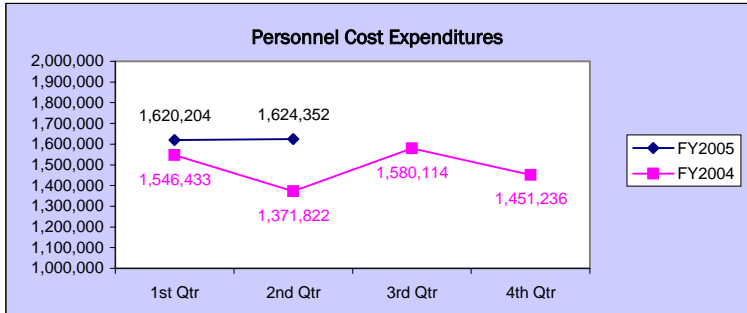
Harvey W. Lyter III is a native of Harrisburg, Pennsylvania, where he graduated from high school in 1966. Harv earned a Bachelor's Degree in Social Sciences, with a minor in Secondary Education from the Pennsylvania State University in 1970 and a Master's of Business Administration Degree from Golden Gate University, San Francisco, CA in 1991. He holds a Permanent Secondary Teacher's Certificate from PA.

After teaching high school for three years in Pennsylvania, Harv completed a 26 year career in the United States Air Force where he was an aviator and staff officer in various assignments throughout the U.S. and Europe (including three tours of duty at Mountain Home AFB). Harv gained considerable experience in adult education as a flight instructor and unit administration and training officer. He later served as a foreign exchange officer in Canada followed by five years as a program manager and Chief of the Electronic Warfare Branch, Operational Test and Evaluation Directorate at headquarters USAF, the Pentagon, Washington, DC. Harv also has extensive training and experience in organizational management, and fraud-waste and abuse complaint investigations at both the local installation and national level.

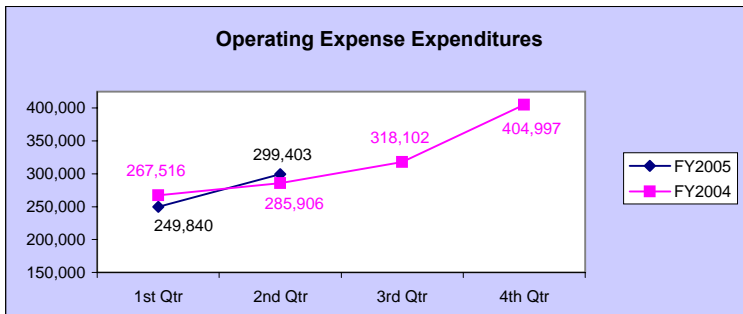
After graduating from the Air Force in 2000, he returned to education and was on the substitute teacher list for the Boise and Meridian school districts. Harv joined the OSBE staff in October 2000 as the Operations/Performance Officer, conducting program management reviews for the Executive Director and handling the SBOE Public Comment and Complaints Process. In July 2003 he was appointed Acting Superintendent at the ISDB, and in July 2004 took over as the Interim Superintendent.

Harv and his wife, Vickie York (originally from Mountain Home) have a home in Boise. Harv currently lives and works full-time in Gooding at the ISDB main campus.

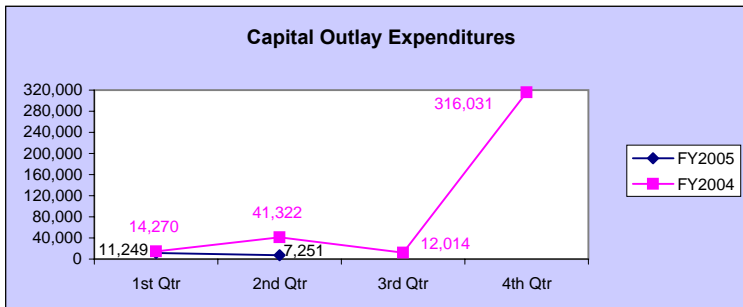
**Idaho School for the Deaf and the Blind**  
**Performance Report to the State Board of Education**  
**Quarterly Financial Data for FY 2004 and FY 2005**



**Personnel Cost Expenditures:** 1st quarter fluctuation is due to pay out 1% bonus in 1st quarter of FY05. (\$56,200) 2nd quarter fluctuation is due to having 7 pay periods in FY 05 and only 6 pay periods in FY 04.

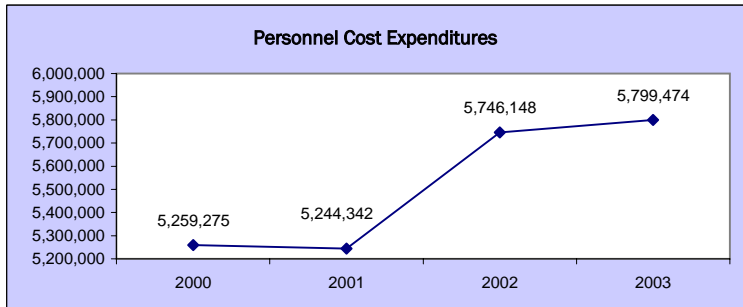


**Operating Expense Expenditures:** 1st Qtr fluctuation is mainly due to lower fees paid to State agencies (SCO, etc.). 2nd quarter fluctuation is due to higher utility bills for heating due to colder months when compared to FY 04.

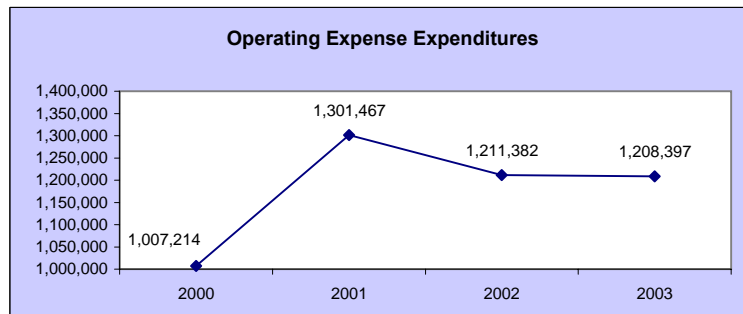


**Capital Outlay Expenditures:** Capital Expenditures were delayed until the 4th quarter to ensure that pending legal matters were handled and season utility expenditures would be adequately covered.

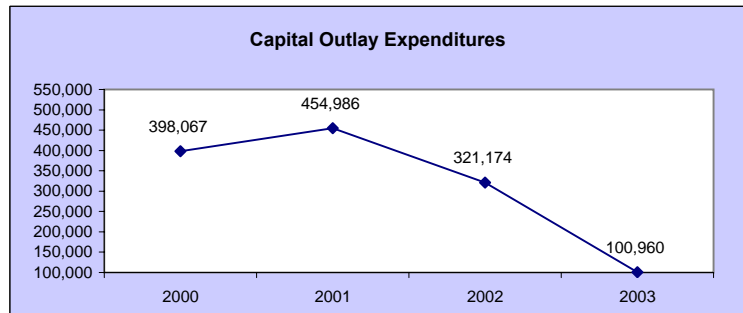
**Idaho School for the Deaf and the Blind  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



**Personnel Cost Expenditures:** In FY02, received \$236,800 for routine, state directed CEC increases; received an additional \$50,000 earmarked for salary competitiveness increase and \$47,000 for a new position of a post secondary transition staff member. FY02 was a lump sum budget allocation, with a total \$404,000 allocation increase for PC.



**Operating Expense Expenditures:** FY01 includes \$106,171 of transfers from PC into OE, whereas FY00 includes \$74,894 of transfers out of OE into CO to cover CO needs. This is a fluctuation of almost \$256,000.



**Capital Outlay Expenditures:** Decrease in FY03 due to putting PC savings into Contingency Fund rather than transferring to CO. Balances in FY00-02 were due to transfers into CO from PC due to PC savings from hard to fill positions such as SLP's. Positions were filled as highly qualified individuals were recruited.

**Idaho School for the Deaf and the Blind**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 APPROPRIATION	7,371,800	421,500	7,793,300	7,051,500	417,200	7,468,700	7,183,600	431,700	7,615,300	7,449,300	368,700	7,818,000
ACTUAL EXPENDITURES												
2 PERSONNEL COSTS:	5,731,980	14,168	5,746,148	5,793,039	6,435	5,799,474	5,945,974	3,631	5,949,605	3,243,361	1,195	3,244,557
OPERATING EXPENDITURES												
3 Communication Costs	55,086	5	55,091	68,150	5	68,155	65,807	-	65,807	38,848	-	38,848
4 Employee Development	33,305	610	33,915	26,039	1,403	27,442	29,840	3,413	33,253	8,095	-	8,095
5 General Services	9,374	127	9,501	11,102	-	11,102	14,071	400	14,471	10,807	165	10,972
6 Professional Services	80,199	55,379	135,578	122,876	(871)	122,005	106,703	81,837	188,540	(2,588)	58,300	55,712
7 Repair & Maintenance Services	53,495	1,416	54,911	40,687	800	41,487	95,311	594	95,905	34,223	-	34,223
8 Administrative Services	7,725	707	8,432	10,923	131	11,054	14,991	485	15,476	7,513	687	8,201
9 Computer Services	12,569	-	12,569	12,758	-	12,758	19,447	-	19,447	16,511	-	16,511
10 Employee Travel	42,086	663	42,749	30,469	2,585	33,054	40,966	2,515	43,481	23,604	2,283	25,887
11 Administrative Supplies	16,946	-	16,946	20,735	-	20,735	22,156	-	22,156	8,475	-	8,475
12 Fuel Costs	36,096	-	36,096	42,484	-	42,484	47,116	-	47,116	21,632	133	21,765
13 Manufacturing & Merchandise Costs	208	-	208	91	-	91	13	-	13	13	-	13
14 Computer Supplies	80,336	32,201	112,537	46,297	2,088	48,385	38,452	12,418	50,870	29,145	1,595	30,740
15 Repair & Maintenance Supplies	70,606	709	71,315	97,829	-	97,829	82,414	-	82,414	40,518	-	40,518
16 Institutional & Residential Supplies	85,890	12,940	98,830	66,005	19,663	85,668	63,505	29,896	93,401	26,655	8,162	34,817
17 Specific Use Supplies	89,349	15,364	104,713	106,999	1,552	108,551	83,103	15,616	98,719	23,495	24,184	47,680
18 Insurance	30,726	-	30,726	30,351	-	30,351	35,126	-	35,126	21,925	-	21,925
19 Utility Charges	119,417	55,652	175,069	41,106	113,564	154,670	40,965	104,268	145,233	39,160	17,956	57,116
20 Rental & Operating Leases	51,678	6,151	57,829	48,615	-	48,615	50,860	600	51,460	28,503	-	28,503
21 Miscellaneous	152,519	1,848	154,367	239,825	4,136	243,961	165,051	8,582	173,633	55,021	4,223	59,243
22 Subtotal Operating Expenditures:	1,027,610	183,772	1,211,382	1,063,341	145,056	1,208,397	1,015,897	260,624	1,276,521	431,555	117,688	549,244
23 CAPITAL OUTLAY:	236,061	85,113	321,174	34,999	65,961	100,960	225,098	158,539	383,637	12,181	6,319	18,500
24 TRUSTEE & BENEFITS:	-	-	-	-	-	-	-	-	-	-	-	-
25 GRAND TOTAL:	6,995,651	283,053	7,278,704	6,891,379	217,452	7,108,831	7,186,969	422,794	7,609,763	3,687,098	125,203	3,812,300
26 % Change Over/Under Prior Year	n/a	n/a	n/a	-2%	-30%	-2%	4%	49%	7%			
27 % of Appropriation Remaining										51%	66%	51%
28 % of Months Remaining										50%	50%	50%

## **Division of Professional-Technical Education Agency Overview**

Idaho has a streamlined educational structure with a single State Board of Education responsible for all public education from kindergarten through graduate school. The single Board of Education structure in Idaho allows for a coordinated, accountable system of education, working cohesively for the betterment of the citizens of Idaho.

Statutory authority for the Division of Professional-Technical Education is delineated in Idaho Code, Chapter 22, §§ 33-2201 through 33-2212 and IDAPA 55. Section 33-2202 defines Professional-Technical Education as secondary, postsecondary and adult courses, programs, training and services administered by the Division of Professional-Technical Education for occupations or careers that require other than a baccalaureate, master's or doctoral degree. The courses, programs, training and services include, but are not limited to, vocational, technical and applied technology education. They are delivered through the professional-technical delivery system of public secondary and postsecondary schools and colleges.

The Division of Professional-Technical Education is the administrative arm of the State Board for Professional-Technical Education, and provides leadership, advocacy and technical assistance for professional-technical education in Idaho, from secondary through adult. The Division provides the focus for professional-technical education within existing schools and institutions by targeting resources, organizing and applying industry input, providing technical assistance to program areas, managing programs and providing leadership for student organizations. The Division also acts as the administrative agency for the State Occupational Information Coordinating Committee.

The role of the Division of Professional-Technical Education is to administer professional-technical education in Idaho. The Division:

- a) provides statewide leadership and coordination for professional-technical education
- b) assists local educational agencies in program planning, development, and evaluation
- c) promotes the availability and accessibility of professional-technical education
- d) prepares annual and long-range state plans
- e) prepares an annual budget to present to the State Board and Legislature
- f) provides a state finance and accountability system for professional-technical education
- g) evaluates professional-technical education programs
- h) initiates research, curriculum development and professional development activities
- i) collects, analyzes, evaluates, and disseminates data and program information
- j) administers programs in accordance with state and federal legislation
- k) coordinates professional-technical education related activities with other agencies, officials and organizations

Idaho's Professional-Technical Education System is the state's primary educational delivery system for preparing Idaho's workforce. Professional-technical education programs are integrated into a larger, academic institutional structure through public school districts or colleges and universities.



## **Mike Rush**

### **Administrator Division of Professional-Technical Education**

Mike Rush is the administrator of the Division of Professional-Technical Education (PTE) for the State of Idaho. With an annual budget of over 50 million dollars, the PTE is the state agency responsible for coordinating and funding secondary, college level and adult professional-technical education in the state.

Mike taught high school in Buhl, Idaho, and has held faculty positions in teacher education at the University of Idaho, Virginia Tech and Penn State University. He was also Director of Research for PTE.

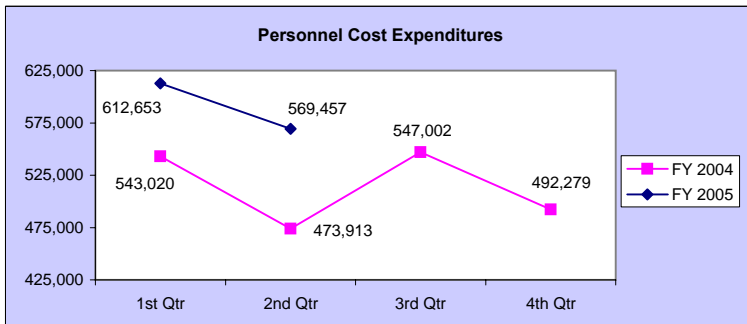
Mike received his Master's degree from the University of Idaho and his doctorate from Virginia Tech with a minor in the Masters of Business Administration program.

Mike has published research articles, written curriculum guides and has extensive experience at both the state and national level in research and accountability. He has also conducted a number of workshops on leadership.

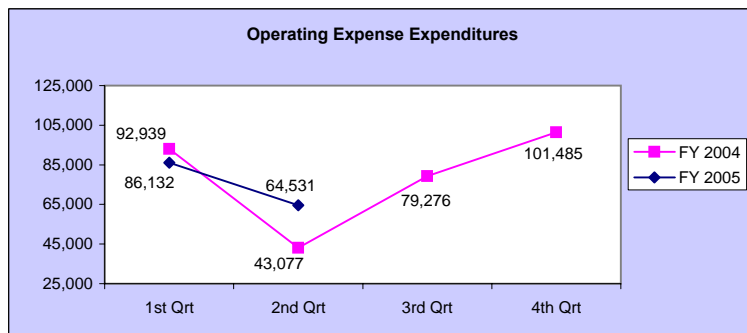
This past year, Mike has served on two National Governor's Association sponsored academies focused on redesigning the delivery system for the 21<sup>st</sup> Century Workforce and improving the process of prisoner reentry. He has served as President for the National Career and Technical Education Director's Association and recently authored a national publication defining the key principles of Career-Technical Education.

Mike is active in community service through the Kiwanis organization, having served as club president and Lieutenant Governor of region six. Mike is married to Linda Rush and has three sons, Daniel, Jonathan and David.

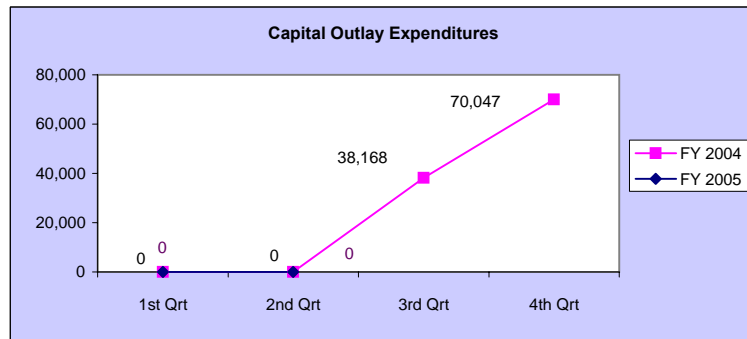
**Division of Professional - Technical Education  
Performance Report to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005**



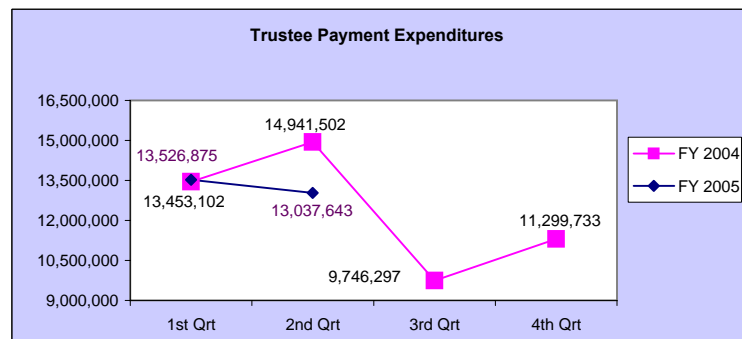
**Personnel Cost Expenditures:** The increase in expenditures from FY04 to FY05 was due to appropriation increases for CEC and Employee Benefits. FY05 first quarter expenditures includes House Bill 805 1% payments.



**Operating Expense Expenditures:** Quarterly fluctuation is due to fixed operating costs for rent due in first and third quarters. FY04 fourth quarter expenditures included one-time non-reoccurring expenditures for computer programming.

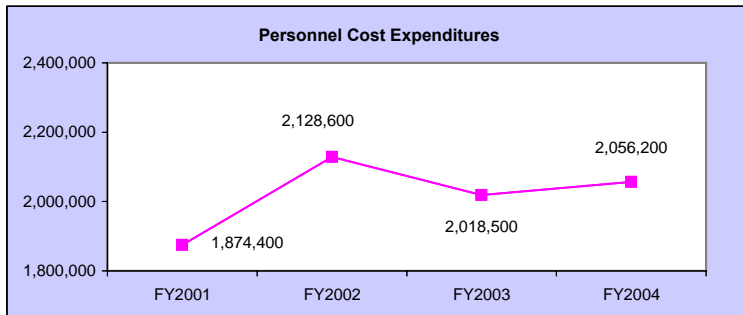


**Capital Outlay Expenditures:** FY04 Capital Expenditures were delayed until the third and fourth quarter due to unknown budget issues related to holdbacks and vacant positions.

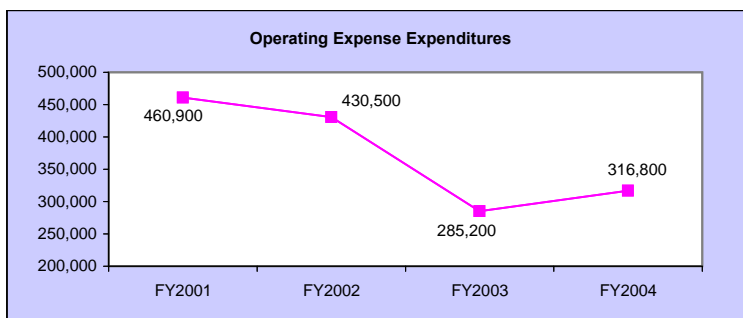


**Trustee Payment Expenditures:** Trustee Payment expenditures are dependent on Trustee claim patterns which are extremely variable. Seventy percent payments for secondary schools and professional-technical schools are made in the second and third quarter.

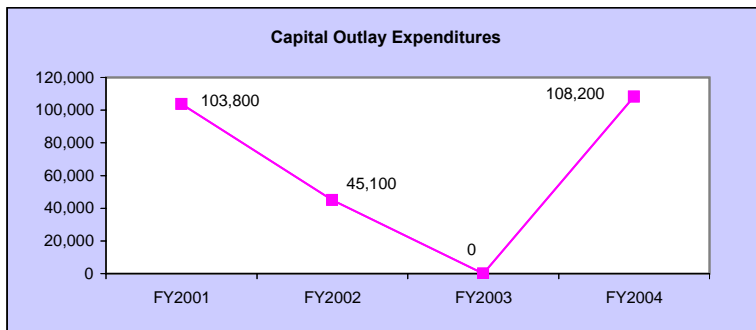
**Profession Technical Education  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



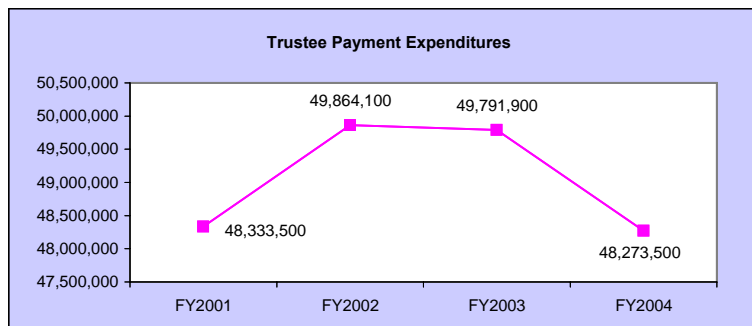
**Personnel Cost Expenditures:** Increase from FY01 to FY02 was due to a vacant position in FY01 and to appropriation increases for employee benefits, CEC and one new position in FY02. Decrease for FY03 was due to a base reduction in funding.



**Operating Expense Expenditures:** Fluctuation in FY03 was due to a base reduction in funding.



**Capital Outlay Expenditures:** Fluctuation in FY02 was due to less carry over funds available. FY03 reduction was due to a base reduction in funding and no carry over or transfer authority.



**Trustee Payment Expenditures:** Trustee Payment expenditures are dependent on Trustee claim patterns which are extremely variable. Base reduction in funding is not recognized until FY04 due to prior year encumbrance clearance.

**Division of Professional-Technical Education**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2005**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 APPROPRIATION	51,333,458	11,742,884	63,076,342	47,585,174	12,420,763	60,005,937	47,651,853	12,234,158	59,886,011	50,835,726	12,019,292	62,855,018
ACTUAL EXPENDITURES												
2 PERSONNEL COSTS:	1,711,374	417,196	2,128,570	1,596,234	422,284	2,018,517	1,621,323	434,891	2,056,214	936,558	245,551	1,182,109
OPERATING EXPENDITURES												
3 Communication Costs	41,508	1,007	42,515	26,529	2,870	29,399	16,770	6,264	23,033	17,196	-	17,196
4 Employee Development	6,879	4,659	11,537	3,316	1,109	4,424	2,727	1,768	4,494	3,190	880	4,070
5 General Services	770	5,637	6,407	2,384	50	2,434	1,902	4,078	5,980	6,476	-	6,476
6 Professional Services	10,053	-	10,053	6,000	-	6,000	6,000	-	6,000	11,997	-	11,997
7 Repair & Maintenance Services	2,538	1,025	3,563	1,558	265	1,823	1,446	-	1,446	366	-	366
8 Administrative Services	23,105	2,064	25,168	3,292	2,820	6,112	4,401	2,558	6,958	2,750	-	2,750
9 Computer Services	74,315	15,292	89,607	41,396	5,523	46,918	75,502	50	75,552	19,624	-	19,624
10 Employee Travel	62,266	23,832	86,098	30,845	29,379	60,224	34,108	24,430	58,537	20,761	6,945	27,706
11 Administrative Supplies	10,151	3,628	13,779	6,424	2,792	9,215	7,263	2,382	9,645	4,073	-	4,073
12 Fuel Costs	38	16	53	-	-	-	-	-	-	-	-	-
13 Manufacturing & Merchandise Costs	-	-	-	-	-	-	-	-	-	-	-	-
14 Computer Supplies	14,059	1,319	15,378	2,512	625	3,137	8,944	1,077	10,021	676	-	676
15 Repair & Maintenance Supplies	425	308	733	-	-	-	299	-	299	-	-	-
16 Institutional & Residential Supplies	-	-	-	-	-	-	-	-	-	-	-	-
17 Specific Use Supplies	10	81	91	-	86	86	119	44	163	64	-	64
18 Insurance	3,016	-	3,016	3,235	-	3,235	5,146	-	5,146	1,081	-	1,081
19 Utility Charges	-	-	-	-	-	-	-	-	-	-	-	-
20 Rental & Operating Leases	90,635	9,610	100,245	59,126	39,819	98,946	57,109	36,749	93,858	29,533	17,493	47,026
21 Miscellaneous	21,710	572	22,281	13,224	-	13,224	15,589	55	15,644	7,557	-	7,557
22 Subtotal Operating Expenditures:	361,476	69,049	430,525	199,839	85,337	285,176	237,324	79,454	316,778	125,344	25,318	150,662
23 CAPITAL OUTLAY:	45,128	-	45,128	-	-	-	108,215	-	108,215	-	-	-
24 TRUSTEE & BENEFITS:	43,008,776	6,855,316	49,864,092	42,356,946	7,434,947	49,791,892	40,816,067	7,457,421	48,273,488	22,153,646	4,410,872	26,564,518
25 GRAND TOTAL:	45,126,754	7,341,561	52,468,314	44,153,018	7,942,567	52,095,586	42,782,929	7,971,766	50,754,695	23,215,548	4,681,742	27,897,290
26 % Change Over/Under Prior Year	n/a	n/a	n/a	-2%	8%	-1%	-3%	0%	-3%			
27 % of Appropriation Remaining											61.05%	55.62%
28 % of Months Remaining										50%	50%	50%

## **Idaho Division of Vocational Rehabilitation Agency Overview**

The Idaho Division of Vocational Rehabilitation (IDVR) helps individuals with disabilities meet their employment goals. IDVR assists individuals with disabilities to prepare for, get, keep, or regain employment. Many individuals with disabilities and their families, teachers, employers, and advocates have found that IDVR can provide flexible services that help people reach their employment goals. IDVR maintains thirty-seven offices throughout the State; has seventy-one counselors and a total of one hundred and fifty-two employees.

### **ELIGIBILITY FOR IDVR SERVICES**

In order to be eligible for VR services, the federal regulations say an individual must:

- Be an "individual with a disability," meaning a person who has a physical or mental impairment that constitutes or results in a substantial barrier to employment;
- Can benefit from VR services to achieve an employment outcome and requires VR services to prepare for, secure, retain, or regain employment.

If a person receives Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits, they are presumed to be eligible for VR services, unless there is strong evidence that they are too significantly disabled to benefit from these services.

### **KINDS OF SERVICES AVAILABLE THROUGH IDVR**

Helping a person with disabilities to get and keep a job is IDVR's ultimate goal. There are many different services available to help in reaching this goal. The services offered during each step in the process vary and depend upon the individual's employment needs and interests. Services may include:

- a) Vocational counseling and guidance
- b) Job placement assistance
- c) College or vocational training
- d) Supported employment services
- e) Skills training
- f) Job coaching or tutoring
- g) Transportation
- h) Interpreter services for individuals who are deaf or hard of hearing
- i) Services to assist students with disabilities in their transition from school to work
- j) Assistive and rehabilitation technology services
- k) Referral services

## **Dr. Michael Graham**

### **Administrator of Idaho Division of Vocational Rehabilitation**

Dr. Michael Graham of Boise assumed his duties as the new Administrator of the Idaho Division of Vocational Rehabilitation (IDVR) on August 18, 2003. Dr. Graham came to IDVR from the Commission for the Blind and Visually Impaired, where he served as Executive Director for four and a half years. Dr. Graham holds a Doctorate Degree in Special Education in Blindness and Visual Impairments from the University of Northern Colorado and a Master's Degree in Vocational Rehabilitation.



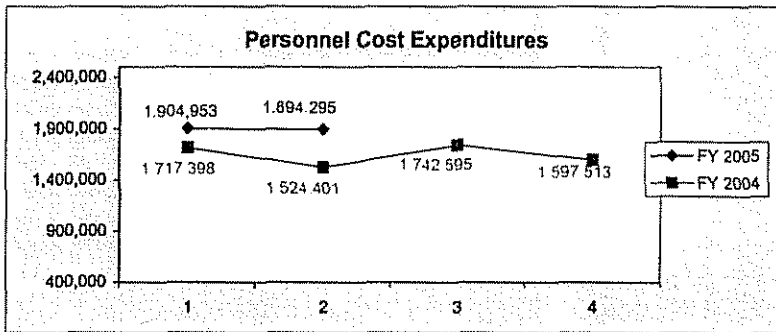
Dr. Graham has experienced a variety of rehabilitation perspectives over the last twenty plus years including: student, client, counselor, program developer, program manager, grant writer, consultant, and agency administrator. Dr. Graham has always enjoyed involvement in the reorganization of service delivery systems when effectiveness is a problem. He was involved in system change at the statewide level in four states, each resulting in an improved model of services or a more equitable distribution of scarce resources. In Idaho, through grant writing and bringing different factions together, a Low Vision Clinic for individuals with permanently and substantially reduced vision was created. After two years, the Clinic began paying for much of its own expenses through reimbursement mechanisms often not available in state government.

During the 1980s and 1990s, Dr. Graham developed a number of skills designed to allow blind individuals to travel independently in severe snow conditions, on mountain trails, and running independently in rural or running track conditions. Some of the innovative techniques, which involved using two canes as opposed to one, were published in a juried periodical. Dr. Graham had been a long distance runner most of his life until about five years ago, the condition of his knees prevented participation in the sport.

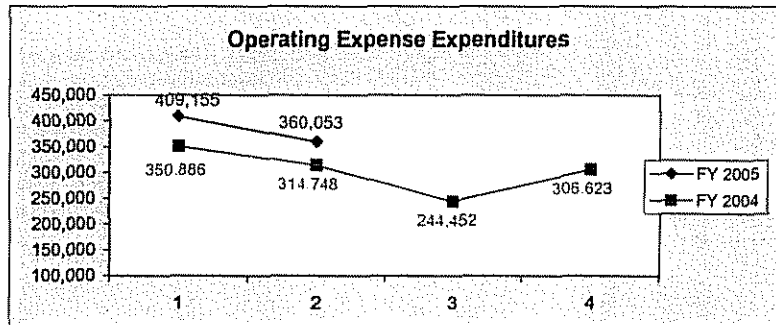
"I have a passion for people with disabilities, as I understand their potential and favorable contributions to society."

He and his wife, Linda have been married for 26 years and have two teenage children along with an assortment of domestic animals.

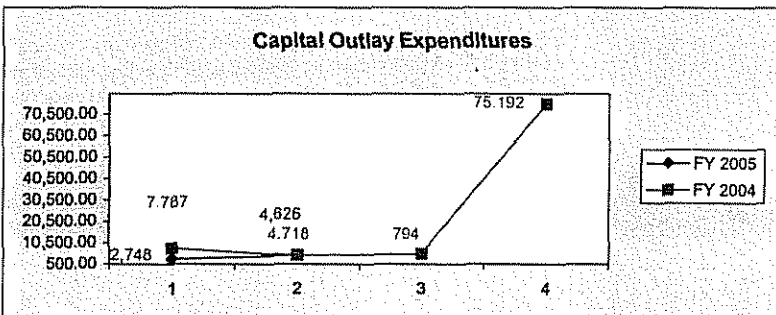
Division of Vocational Rehabilitation  
Performance Report to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005



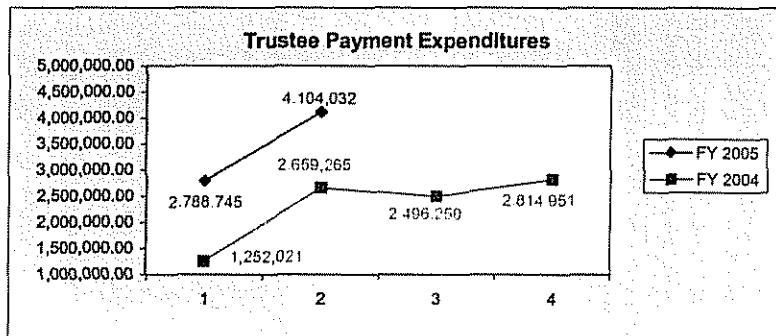
**Personnel Cost Expenditures:** Personnel Costs will increase by at least \$100,000 annually in FY 2005 due to the transfer of the Work Services-Community supported Employment from the Department of Health and Welfare. Additional increase was due to House Bill 805 1% payments in the first quarter of FY 2005.



**Operating Expense Expenditures:** Fluctuation is due to the payment of some rents in the first quarter of FY 2005 and not in the first quarter of FY 2004. The increase also reflects an increase in rents due to inflation and also the elimination of cash discounts accepted by lessors in FY 2004 and not in FY 2005.

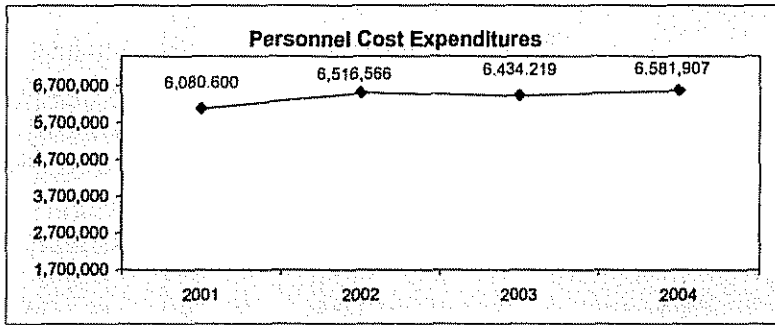


**Capital Outlay Expenditures:** Capital Expenditures were delayed until the 3rd quarter due to unknown budget issues related to holdbacks and vacant positions in FY 2004. The agency has made a practice of purchasing capital outlay in the last quarter of the year. We have not been appropriated funds for replacement capital outlay since FY 2003.

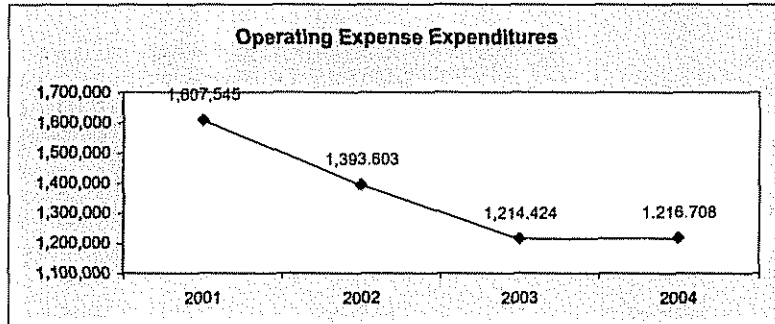


**Trustee Payment Expenditures:** Trustee Payment expenditures will increase significantly in FY 2005 due to the transfer of \$3,845,800 of authority for the Work Services-Community Supported Employment program transferred from Health and Welfare. The first quarter of the state fiscal year is the last quarter of the federal fiscal year and the natural winding down of expenditures occurs during this quarter. There is also the significant tuition bills for clients that occur in the second and fourth quarters.

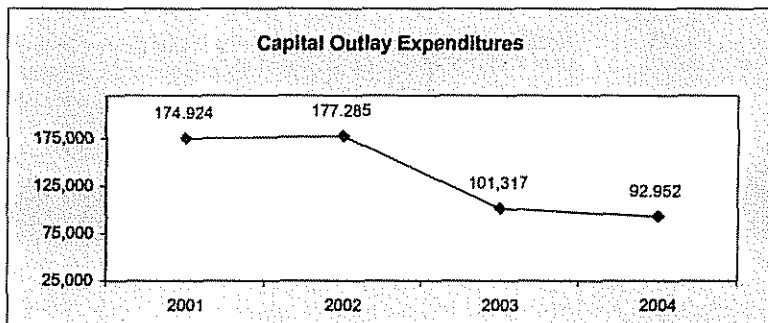
Division of Vocational Rehabilitation  
Performance Report to the State Board of Education  
Prior Four Year Comparison



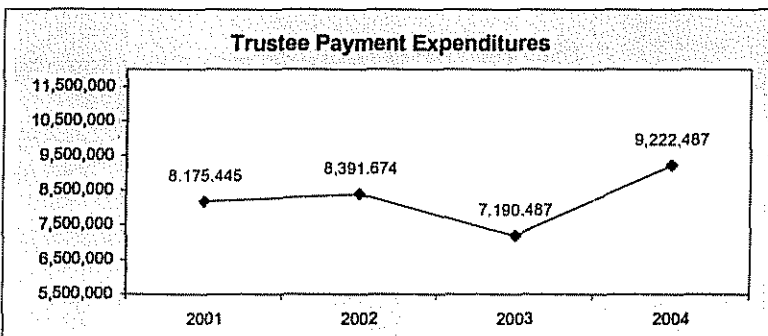
**Personnel Cost Expenditures:** The increase between FY 2001 and FY 2002 was partly due to an approximately \$200,000 Change in Employee Compensation (CEC) package implemented in July 2001, as well as a \$60,000 bonus package. Management also changed the timing of promotions from the end of the fiscal year to awarding these throughout the year in FY 2002, which resulted in increased expenditures in that year. The decrease in FY03 was due to an intentional delay in hiring to curtail overall spending due to the economic conditions.



**Operating Expense Expenditures:** Fluctuations between FY 2001 to FY 2002 and then to FY 2003 were driven by an approximate \$200,000 emergency negative supplemental in FY 2001 by Senate Bill 1238, and then a \$164,100 negative supplemental in FY 2002 and then another \$133,700 holdback in FY 2003. These holdbacks are reflected in Operating Expenditures. The agency significantly cut travel and training expenditures in FY 2002 and 2003 due to the economic conditions.



**Capital Outlay Expenditures:** Due to the economic conditions, the agency has not been appropriated Capital Outlay authority since FY 2001. Of the \$277,200 appropriated in FY 2001, only \$174,924 was expended. Future expenditures in FY 2002, 2003 and 2004 were accomplished by transfers of authority from salary savings and trustee and benefit and were only completed for items necessary for normal operations. The agency vacated its four year replacement cycle for capital outlay and only replaced items of necessity.



**Trustee Payment Expenditures:** The fluctuations in spending in Trustee Payments is explained partly by the implementation of certain caps on certain expenditures for client services. The decrease in FY 2003 is explained by the implementation of caps during that year and the holdbacks and negative supplementals experienced in 2003. Part of the increase in FY 2004 is due to the loosening of some of those caps on expenditures but also due to a \$2.1 million carryover of the Federal Grant from FY 2003. The agency requested and received non-cog authority in 2004 in the amount of \$1.7 million in order to spend this carryover.



**Idaho Division of Vocational Rehabilitation**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 APPROPRIATION	3,939,500	13,594,770	17,534,270	3,635,400	13,878,700	17,514,100	3,673,000	15,474,900	19,147,900	7,672,800	14,319,100	21,991,900
<b>ACTUAL EXPENDITURES</b>												
2 PERSONNEL COSTS:	-	6,516,566	6,516,566	-	6,434,219	6,434,219	-	6,581,907	6,581,907	42,317	3,756,931	3,799,248
OPERATING EXPENDITURES												
3 Communication Costs	-	226,249	226,249	-	223,999	223,999	-	357,095	357,095	-	163,887	163,887
4 Employee Development	-	16,724	16,724	-	25,023	25,023	-	47,398	47,398	-	26,426	26,426
5 General Services	-	51,807	51,807	-	53,406	53,406	-	25,873	25,873	-	20,421	20,421
6 Professional Services	-	17,395	17,395	-	20,574	20,574	-	24,867	24,867	400	12,573	12,973
7 Repair & Maintenance Services	-	14,715	14,715	-	61,652	61,652	-	111,437	111,437	-	89,377	89,377
8 Administrative Services	-	19,725	19,725	-	11,550	11,550	-	7,388	7,388	-	2,837	2,837
9 Computer Services	-	145,082	145,082	-	1,355	1,355	-	85,985	85,985	25,000	3,342	28,342
10 Employee Travel	-	106,202	106,202	-	97,067	97,067	-	121,443	121,443	-	97,260	97,260
11 Administrative Supplies	-	44,408	44,408	-	38,915	38,915	-	44,377	44,377	-	27,425	27,425
12 Fuel Costs	-	11,440	11,440	-	13,440	13,440	-	14,919	14,919	-	10,688	10,688
13 Manufacturing & Merchandise Costs	-	-	-	-	-	-	-	-	-	-	-	-
14 Computer Supplies	-	206,309	206,309	-	82,164	82,164	-	15,508	15,508	-	7,710	7,710
15 Repair & Maintenance Supplies	-	19,561	19,561	-	10,733	10,733	-	18,711	18,711	-	9,559	9,559
16 Institutional & Residential Supplies	-	-	-	-	-	-	-	-	-	-	-	-
17 Specific Use Supplies	-	991	991	-	412	412	-	1,130	1,130	-	145	145
18 Insurance	-	10,730	10,730	-	9,610	9,610	-	8,912	8,912	-	4,045	4,045
19 Utility Charges	-	1,668	1,668	-	2,246	2,246	-	2,402	2,402	-	1,349	1,349
20 Rental & Operating Leases	-	407,656	407,656	-	467,497	467,497	-	368,941	368,941	19,048	188,226	207,274
21 Miscellaneous	-	92,940	92,940	-	94,780	94,780	-	124,001	124,001	-	59,491	59,491
22 Subtotal Operating Expenditures:	-	1,393,603	1,393,603	-	1,214,424	1,214,424	-	1,380,389	1,380,389	44,448	724,760	769,209
23 CAPITAL OUTLAY:		228,480	228,480	-	169,528	169,528	-	228,902	228,902	-	7,582	7,582
24 TRUSTEE & BENEFITS:	3,939,483	5,016,383	8,955,866	3,635,357	5,390,564	9,025,921	3,662,152	6,248,035	9,910,187	4,191,955	2,700,822	6,892,777
25 GRAND TOTAL:	3,939,483	15	17,094,515	3,635,357	13,208,735	16,844,092	3,662,152	14,439,233	18,101,385	4,278,721	7,190,095	11,468,816
26 % Change Over/Under Prior Year	n/a	n/a	n/a	0%	100%	-1%	1%	9%	7%			
27 % of Appropriation Remaining										44%	50%	48%
28 % of Months Remaining										50%	50%	50%

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## **Idaho Public Television Agency Overview**

Idaho Public Television is the only universally available resource that uses the power and accessibility of television and the web to educate, enlighten, and inform. Because of our public service mission, IdahoPTV is more essential than ever in the cluttered media landscape.

In a world of increasing commercial media consolidation, we are often the only locally owned television provider in Idaho communities. Our array of education and outreach services, combined with local ownership, means that Idaho Public Television is actively engaged in our communities, creating content and providing services that respond to local needs.

Because the goal of commercial media is to maximize profits by attracting as many viewers as possible to expose them to advertising, its programming philosophy is driven by ratings as a key measure of its success. Idaho Public Television, on the other hand, strives for impact and measures success by the ability to educate and inform, to enlighten and entertain. In short, we strive to:

- a) Challenge the mind.
- b) Inspire the spirit.
- c) Preserve our stories.
- d) Promote understanding.

Idaho Public Television maintains three staffed facilities in Boise, Moscow and Pocatello.

The Boise facility is located in building space leased by the Department of Administration/Division of Public Works (DPW). The facilities in Moscow (KUID-TV) and Pocatello (KISU-TV) are on the university campuses.

Idaho Public Television's statewide broadcast telecommunication system is efficiently controlled at the Network Operations Center in Boise.

IdahoPTV owns and operates full power broadcast analog and digital transmitters that serve the viewer areas of KAID-TV/DT, Boise; KIPT-TV/DT, Twin Falls; KISU-TV/DT, Pocatello; KCDT-TV/DT, Coeur d'Alene; KUID-TV/DT, Moscow. In addition, we own and operate 37 television repeaters (translators) that rebroadcast the signals of our transmitters. Finally, IdahoPTV provides signals to cable television systems and DishTV and DirecTV that serve Idaho communities.

### **OUR VISION**

Inspire, enrich, and educate the people we serve, enabling them to make a better world.

## **OUR MISSION**

Idaho Public Television's mission is to meet the needs and reflect the interests of its varied audiences by:

- Providing quality educational and cultural television and related resources,
- Creating Idaho-based programs and resources,
- Establishing and maintaining statewide industry-standard delivery systems to provide television and other media to Idaho homes and schools,
- Providing learning opportunities and fostering participation and collaboration in educational and civic activities, and
- Attracting, developing, and retaining talented and motivated employees who are committed to accomplishing the shared vision of Idaho Public Television.

**Peter W. Morrill**  
**General Manager Idaho Public Television**

Peter was born in Greenwich, Connecticut and raised in New Canaan, Connecticut. His senior year in high school was spent in Kenya, assisting world-renowned ornithologist John Hopcraft with research on Lesser Flamingos, Lake Nakuru. He attended Bowling Green State University in Bowling Green, Ohio, on a NCAA cross country running scholarship. Peter graduated in 1978 with a BA in Communications and began working as a Producer/Director for WBGU-TV (PBS), Bowling Green, Ohio.

In 1979, he was hired at Idaho Public Television as a Director/Videographer, then promoted to Producer/Director in 1982 and in 1985 to Executive Producer. During this time, he co-created OUTDOOR IDAHO and IDAHO REPORTS.

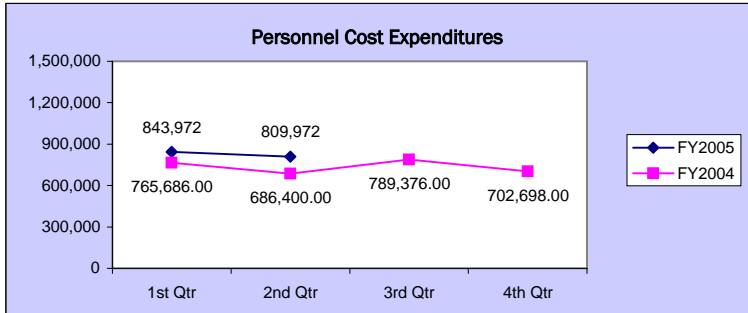
From 1986 to 1989, Peter served as Director of Production, WUFT-TV (PBS), University of Florida, Gainesville.

In 1989, he returned to Idaho Public Television as Coordinating Producer for PROCEEDING THROUGH A BEAUTIFUL COUNTRY: THE HISTORY OF IDAHO. In 1991, he was promoted to Assistant General Manager.

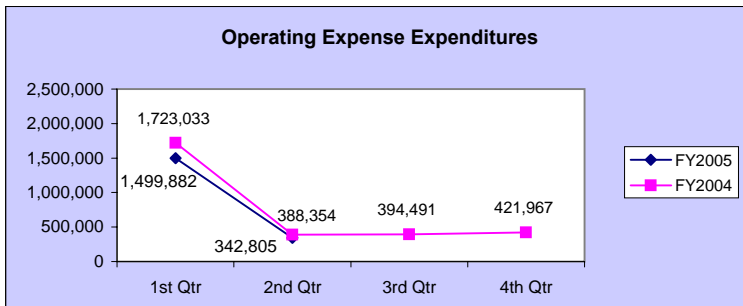
In 1996, Peter was appointed as General Manager for Idaho Public Television.

Peter has a wife, Linda, and a ten year old daughter, Sadie. He enjoys sports including both telemark and downhill skiing, tennis, rafting, and running.

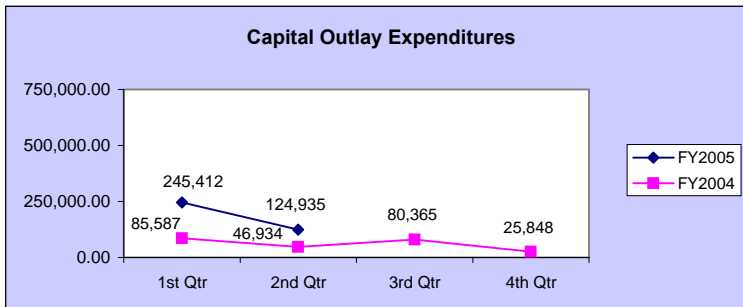
**Idaho Public Television**  
**Performance Report to the State Board of Education**  
**Quarterly Financial Data for FY 2004 and FY 2005**



**Personnel Cost Expenditures:** Increased personnel and benefit costs account for increased personnel costs in the second quarter 2005. In addition, contract personnel costs of grant projects are included.

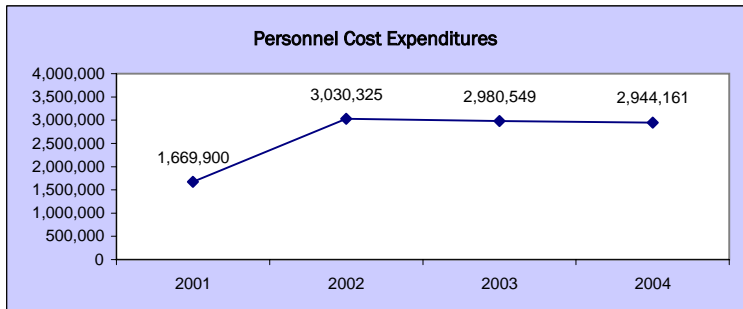


**Operating Expense Expenditures:** Please note that high expenditures in 1st Qtr are the result of the payments for PBS programming fees and building lease costs.

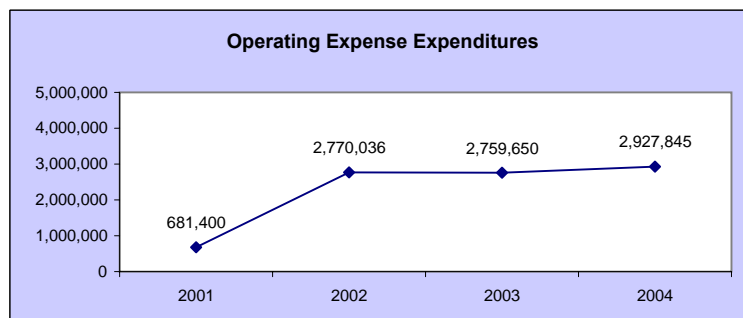


**Capital Outlay Expenditures:** Capital Expenditures are a result of grant funded projects including 2 snowmobiles, 2 trucks and translator site power upgrades.

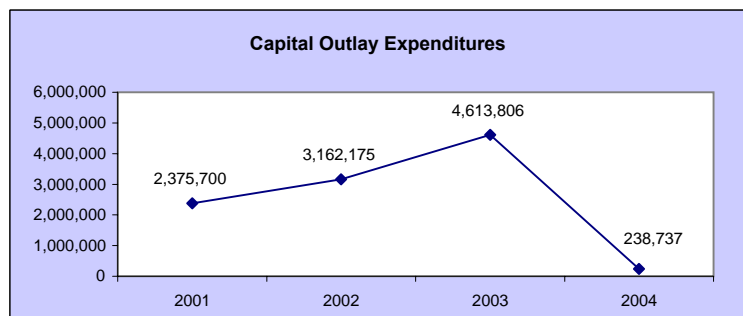
**Idaho Public Television  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



**Personnel Cost Expenditures:** As reported in previous SBoE Quarterly Dashboard Reports, IdahoPTV Personnel Costs have trended down over the last three fiscal years as a result of reductions in support from the State of Idaho.



**Operating Expense Expenditures:** As reported in previous SBoE Quarterly Dashboard Reports, IdahoPTV Operating Expenses have trended flat over the last three years.



**Capital Outlay Expenditures:** As reported in previous SBoE Quarterly Dashboard Reports, Capital Outlay Expenditures were high in FY 2002 and 2003 because of the mandated conversion of transmitters to digital.

**IDAHO PUBLIC TELEVISION**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 APPROPRIATION	7,620,400	800,400	8,420,800	5,417,954	804,600	6,222,554	1,553,200	995,200	2,548,400	1,595,000	861,800	2,456,800
ACTUAL EXPENDITURES												
2 PERSONNEL COSTS:	1,006,089	800,400	1,806,489	878,900	804,600	1,683,500	845,000	820,200	1,665,200	461,614	450,533	912,147
OPERATING EXPENDITURES												
3 Communication Costs	25,865		25,865	12,169		12,169	30,482		30,482	37,086		37,086
4 Employee Development	22,586		22,586	5,638		5,638	8,359		8,359	15,456		15,456
5 General Services	1,211		1,211	631		631	3,191		3,191	713		713
6 Professional Services	38,454		38,454	63,458		63,458	39,954	9,693	49,647	72,274		72,274
7 Repair & Maintenance Services	18,776		18,776	15,948		15,948	30,671		30,671	32,596		32,596
8 Administrative Services	17,467		17,467	3,356		3,356	17,706		17,706	990		990
9 Computer Services	-		-	-		-	-		-	11,718		11,718
10 Employee Travel	11,465		11,465	10,961		10,961	13,884		13,884	18,825		18,825
11 Administrative Supplies	4,550		4,550	620		620	3,330		3,330	5,561		5,561
12 Fuel Costs	2,946		2,946	3,097		3,097	1,345		1,345	6,073		6,073
13 Manufacturing & Merchandise Costs	-		-	70		70	-		-	-		-
14 Computer Supplies	33,725		33,725	136		136	4,540	6,750	11,290	7,134		7,134
15 Repair & Maintenance Supplies	14,994		14,994	5,829		5,829	16,308		16,308	14,356		14,356
16 Institutional & Residential Supplies	-		-	-		-	-		-	-		-
17 Specific Use Supplies	9,371		9,371	958		958	1,404		1,404	3,463		3,463
18 Insurance	11,535		11,535	22,091		22,091	34,608		34,608	18,033		18,033
19 Utility Charges	22,598		22,598	72,683		72,683	58,963		58,963	40,684		40,684
20 Rental & Operating Leases	347,916		347,916	341,235		341,235	357,781		357,781	359,675		359,675
21 Miscellaneous	11,295		11,295	22,219		22,219	60,674	32,102	92,776	52,611		52,611
22 Subtotal Operating Expenditures:	594,754	-	594,754	581,100	-	581,100	683,200	48,545	731,745	697,248	-	697,248
23 CAPITAL OUTLAY:	2,514,046		2,514,046	3,821,754	-	3,821,754	25,000	71,238	96,238	-	-	-
24 TRUSTEE & BENEFITS:	-	-	-	-	-	-	-	-	-	-	-	-
25 GRAND TOTAL:	4,114,889	800,400	4,915,289	5,281,754	804,600	6,086,354	1,553,200	939,983	2,493,183	1,158,862	450,533	1,609,395
26 % Change Over/Under Prior Year	n/a	n/a	n/a	22%	1%	19%	-240%	14%	-144%			
27 % of Appropriation Remaining										73%	52%	66%
28 % of Months Remaining										50%	50%	50%



## **Idaho State Historical Society Agency Overview**

Eighteen years after Idaho Territory was established in 1863, a group of its early settlers created the Historical Society of Idaho Pioneers. Determined to preserve and celebrate their own heritage, many of those individuals later encouraged the establishment of the Idaho State Historical Society as an agency of the State of Idaho in 1907.

The Society operates as an agency of the Idaho State Board of Education with additional oversight from its own seven-member Board of Trustees appointed by the State Board. Each Trustee represents a different region of the state based on a geographic configuration similar to the seven judicial districts of Idaho.

Idaho has a rich history and prehistory whose chronicles deserve to be preserved and made available to its citizens. The Idaho State Historical Society is charged with responsibility for that preservation. This is done primarily in accordance with Chapters 41 and 46 of Title 67 of the Idaho Code, and through other statutory capacity assigned under Titles 14, 31, 33, 58, and 63.

The collections of the Society were first housed in a basement room in the Idaho State Capitol Building. The agency now provides services to the citizens of Idaho from facilities in seven Boise locations, three historic sites located elsewhere in the state, and the Lewis and Clark Education Center in Lewiston.

Programs of the agency directly reach more than a quarter of a million people annually. The staff offers technical assistance and historical expertise to the general public, educational institutions, county and local historical societies, and other entities concerned with the prehistory, history, and historic preservation throughout the state and elsewhere as appropriate.

### **Mission Statement**

To educate through the identification, preservation, and interpretation of Idaho's cultural heritage.

### **Vision Statement of Purpose**

The Idaho State Historical Society (ISHS) acts on behalf of the citizens of the state to facilitate and assure the protection of Idaho's cultural heritage. The ISHS maintains access to documents, artifacts, and sites that can be used by the public for their benefit and appreciation. The ISHS maintains historic and prehistoric resources. Access to these resources is provided through public outreach, publications, technical assistance, exhibits, and the encouragement of local, state and regional efforts to preserve history. The ISHS undertakes and promotes these activities through its goals and policies in accordance with the powers and duties assigned to it.

## **Steve Guerber**

### **Executive Director Idaho State Historical Society**

Steve Guerber joined the Idaho State Historical Society in 1996 as Executive Director. Steve brought a varied background in business, government and the non-profit sector to an administrative position overseeing a state agency with a mission of supporting education through the identification, preservation and interpretation of Idaho's cultural heritage.

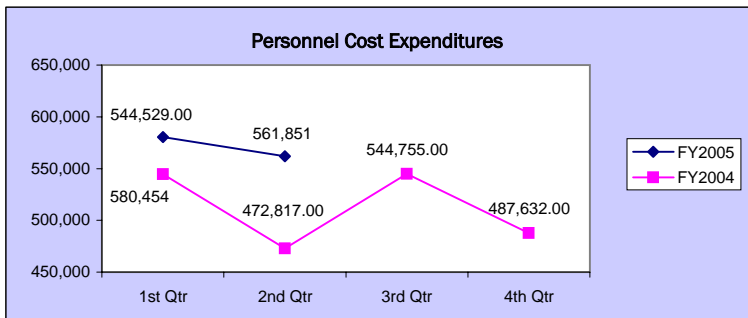
Prior to joining the Society, he was President and Executive Director of the Idaho Community Foundation, a non-profit organization that makes grants to charitable groups throughout the state. Before that, Steve spent 15 years at U S WEST Communications, where his responsibilities initially included public relations positions in Colorado and Idaho, and later administrative duties with the U S WEST Foundation handling communications, education, and economic development programs in a 14-state region.

He is a 1969 graduate of Idaho State University with a degree in mass communications and a minor in history. Although much of his early career was as a newspaper reporter and editor, he was alumni director at ISU for the four years prior to joining U S WEST in 1978.

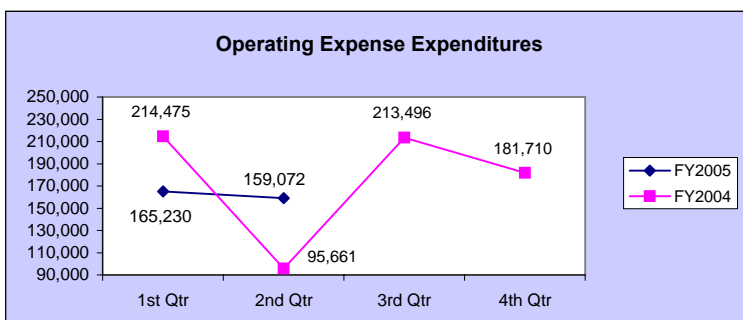
His community involvement has included two terms as a Councilman and eight years as Mayor of the City of Eagle, a community where he is now continuing his service with a third term on the City Council. He has also served on the boards of such diverse organizations as the Silver Sage Council of the Girl Scouts, Ballet Idaho, the Eagle Volunteer Fire Department and the Association of Idaho Cities.

Steve and his wife of 36 years, Donna, have three married children and eight grandchildren.

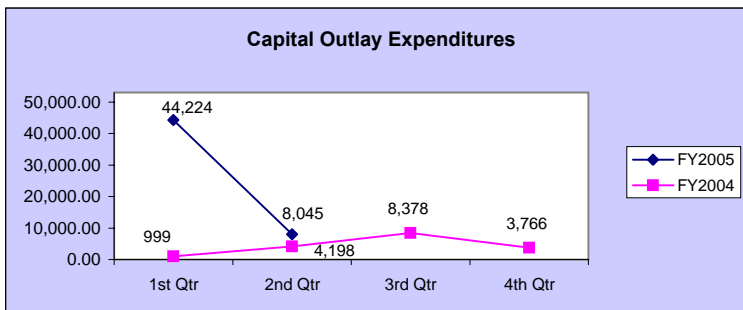
**Idaho State Historical Society  
Performance Report to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005**



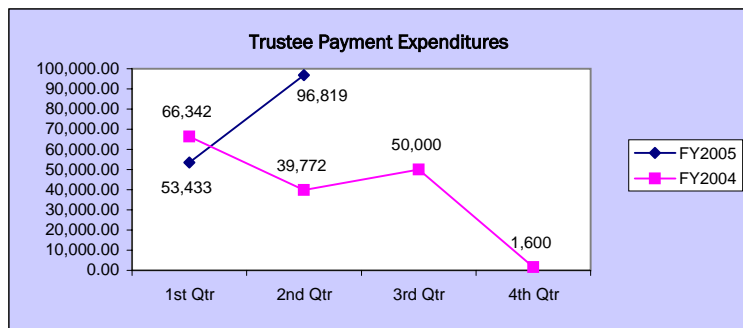
**Personnel Cost Expenditures:** Fluctuation is due to having three payrolls in the 1st and 3rd quarters.



**Operating Expense Expenditures:** Fluctuation is due to timing difference of payment of rents.

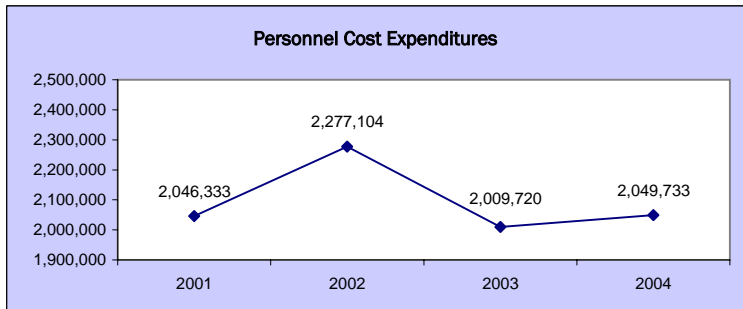


**Capital Outlay Expenditures:** Fluctuation is minimal.

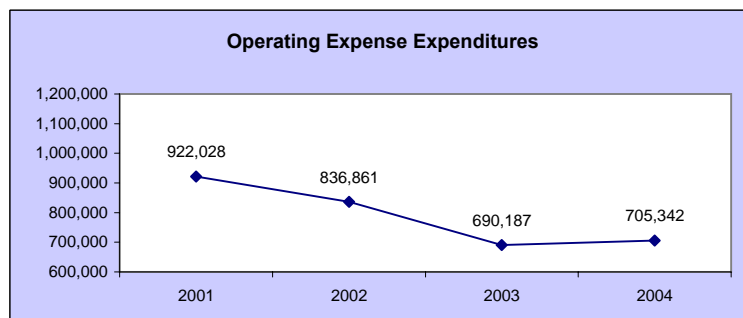


**Trustee Payment Expenditures:** Trustee Payment expenditures are dependent on grants paid from Idaho Governor's Lewis and Clark Trail Bicentennial Committee.

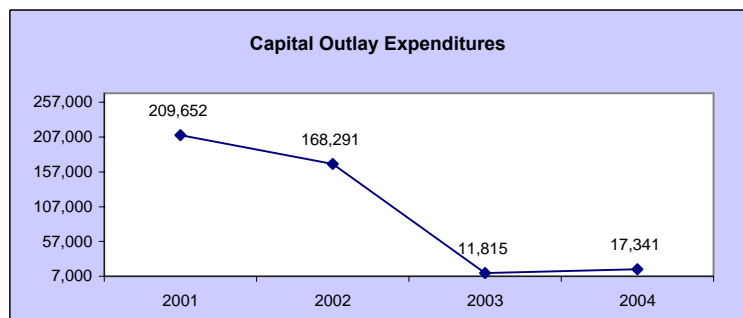
**Idaho State Historical Society  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



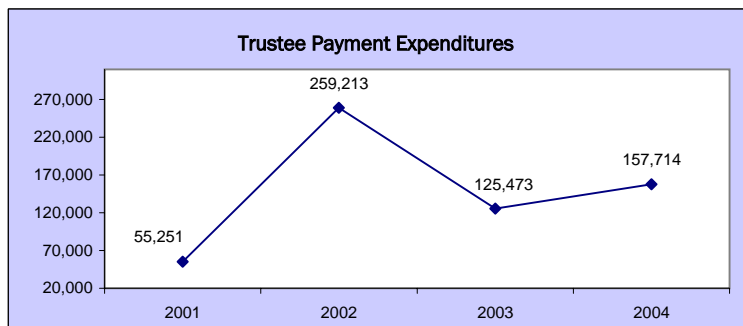
**Personnel Cost Expenditures:** Fluctuation in FY03 and FY04 was due to mandated budget reduction which resulted in loss of staff.



**Operating Expense Expenditures:** Fluctuation in FY03 and FY04 was due to a base reduction in funding as a result of mandated budget cutbacks.



**Capital Outlay Expenditures:** Reduction in FY03 and FY04 was due to the elimination of the budget to purchase books and periodicals for the historical library.



**Trustee Payment Expenditures:** Trustee Payment expenditures are primarily dependent on grants paid from the Idaho Governor's Lewis and Clark Trail Bicentennial Committee.

**IDAHO STATE HISTORICAL SOCIETY**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
Original Appropriation	2,466,025	1,564,100	4,030,125	1,907,100	1,613,800	3,520,900	1,923,700	1,857,600	3,781,300	1,973,800	1,795,500	3,769,300
Holdbacks/Reversions	(68,400)		(68,400)	(66,700)		(66,700)			-			-
Receipts to Appropriations			-	144		144			-			-
1 NET APPROPRIATION	2,397,625	1,564,100	3,961,725	1,840,544	1,613,800	3,454,344	1,923,700	1,857,600	3,781,300	1,973,800	1,795,500	3,769,300
ACTUAL EXPENDITURES												
2 PERSONNEL COSTS:	738,780	429,533	1,168,313	671,872	355,543	1,027,415	669,694	347,653	1,017,346	761,260	381,045	1,142,305
OPERATING EXPENDITURES												
3 Communication Costs	19,907	1,686	21,593	24,345	1,050	25,395	23,227	1,490	24,717	24,165	1,297	25,461
4 Employee Development	2,428	7,949	10,377	1,682	1,898	3,580	2,071	590	2,661	1,407	5,009	6,416
5 General Services	13,307	859	14,166	11,116	7,263	18,379	1,762	1,966	3,728	6,040	6,145	12,185
6 Professional Services	9,775	31,788	41,563	11,788	6,483	18,271	16,129	8,007	24,136	2,975	12,593	15,568
7 Repair & Maintenance Services	25,441	4,769	30,210	7,818	3,491	11,309	24,655	6,357	31,012	21,560	8,392	29,952
8 Administrative Services	7,775	22,340	30,114	2,203	21,356	23,559	2,410	7,493	9,904	4,405	11,488	15,892
9 Computer Services	2,542	2,185	4,727	3,072	1,099	4,171	2,392	683	3,075	2,607	314	2,922
10 Employee Travel	20,043	17,777	37,820	11,392	9,152	20,544	15,026	11,436	26,462	15,354	16,551	31,905
11 Administrative Supplies	7,101	2,127	9,227	2,384	2,447	4,831	3,606	1,285	4,891	3,071	4,936	8,007
12 Fuel Costs	4,393	68	4,460	3,245	249	3,494	2,552	15	2,567	3,011		3,011
13 Manufacturing & Merchandise Costs		7,743	7,743		13,979	13,979		9,204	9,204		10,041	10,041
14 Computer Supplies	1,993	474	2,467	616	536	1,152	1,330	163	1,493	855	115	970
15 Repair & Maintenance Supplies	11,620	8,505	20,125	8,753	4,242	12,994	4,981	5,349	10,330	5,313	3,738	9,051
16 Institutional & Residential Supplies			-			-			-			-
17 Specific Use Supplies	4,517	9,172	13,689	815	7,476	8,291	1,684	20,464	22,148	1,997	7,430	9,427
18 Insurance	6,304			12,689		12,689	18,123		18,123	15,281		15,281
19 Utility Charges	31,033	3,289	34,322	32,814	3,223	36,037	28,377	2,704	31,080	31,529	2,664	34,192
20 Rental & Operating Leases	51,272	2,711	53,984	50,927	4,797	55,724	42,136	3,112	45,247	48,130	4,339	52,469
21 Miscellaneous	12,309	33,922	46,232	21,758	20,850	42,608	24,588	14,770	39,358	23,711	17,841	41,552
22 Subtotal Operating Expenditures:	231,761	157,363	389,124	207,416	109,591	317,007	215,050	95,086	310,136	211,410	112,893	324,302
23 CAPITAL OUTLAY:	37,141	4,982	42,123			-		5,197	5,197	100	52,169	52,269
24 TRUSTEE & BENEFITS:	25,000	72,154	97,154		93,873	93,873		106,114	106,114	52,000	98,252	150,252
25 GRAND TOTAL:	1,032,681	664,033	1,696,714	879,287	559,008	1,438,295	884,743	554,050	1,438,794	1,024,771	644,358	1,669,129
26 % Change Over/Under Prior Year	n/a	n/a	n/a	-17%	-19%	-18%	1%	-1%	0%			
27 % of Appropriation expended										52%	36%	44%
28 % of Fiscal Year expended										50%	50%	50%

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## **Idaho State Library Agency Overview**

**Mission:** The Idaho State Library assists libraries to build the capacity to better serve their clientele.

**Statutory authority:** Under Idaho Code 33-2503, the state library board is designated as the policymaking body for the Idaho state library; it's powers and duties include:

- a) To foster and promote library service in the state of Idaho,
- b) To promote and facilitate the establishment, use, and cooperation of libraries throughout the state so all Idahoans have access to the resources of those libraries,
- c) To support or deliver statewide library programs and services,
- d) To accept, receive, administer and expend . . . any moneys, materials or other aid granted, appropriated, or made available to Idaho . . . for library purposes, and
- e) To assist in the establishment of financing of a statewide program of cooperative library services, which may be in cooperation with any taxing unit, or public or private agency.

### **Current Programs:**

Our success is dependent upon collaboration because the State Library has no direct control over public, school, academic, or special libraries. State Library staff works with libraries to strengthen their services on the local level and, through collaboration, statewide. Current program include:

- Continuing Library Education. School, public, and academic librarians keep up with the changing role of libraries through workshops, online computer courses, and the annual weeklong seminar sponsored by the State Library. State Library field consultants work with library administrators, staff, and public library boards on planning and current issues.
- Institute of Museum & Library Services (IMLS) Grants. In FY05, the State Library was allocated over \$1.1 million in federal funds through the Institute of Museum and Library Services via the Library Services and Technology Act (LSTA). These monies improve library services for citizens throughout Idaho through competitive grants and statewide projects.
- Libraries Linking Idaho (LiLI). LiLI is an umbrella term for projects developed jointly between the Idaho State Library and the Idaho library community.
  - LiLI-D is a collection of databases with full-text articles from 1,000s of journals, along with newspapers, reference books, pictures, maps, etc. available to all Idaho citizens 24/7 through any Internet connection.

- LiLI-U is an electronic statewide catalog and interlibrary loan service currently in phase 1 of implementation. The catalog is available to all Idaho citizens now; most libraries will be using the cataloging and interlibrary loan services by July 2006.
- Read to Me. In this program, local librarians work with community partners to help children gain early literacy skills and develop as independent learners. We support the librarians' outreach efforts to parents and caregivers through continuing education, consulting, reading incentives, and summer reading program planning.
- Talking Book Library. As part of the National Library Service program, books and magazines in cassette and large print format are available for people unable to read standard print material. The State Library is part of a multi-state pilot project to test the use of library materials in digital formats for TBL clientele.

### **Emerging roles:**

As the designated state depository for public documents, we are making plans to reshape our approach to state government information, much of which is now in digital form, and to identify how the library community might enhance access to these resources for the public.

There is a need for coordination of the digitization of information of interest to Idaho residents. LSTA grants are funding two pilot projects, and next steps may include collaborative planning with libraries, museums, and other cultural institutions at both local and state levels.

Several studies have documented the role of a good school library media program in student achievement. The needs of Idaho's school libraries go beyond the LiLI-D and LiLI-U training we are providing. We are considering how we can establish a sustainable school library development program - similar to that we have for public libraries - with our existing resources.



## **Ann Joslin**

### **State Librarian Idaho State Library**

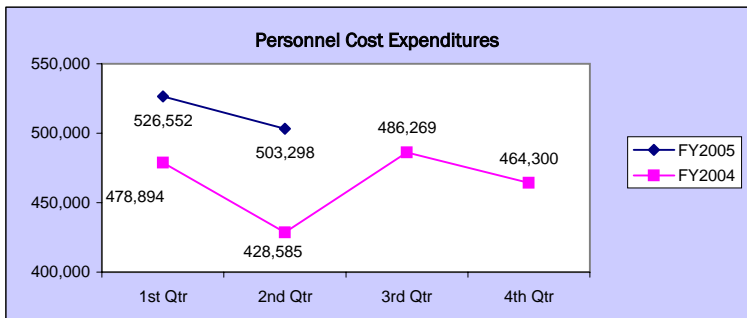
Ann was raised on a farm in eastern Iowa, attended a small rural school, graduated from Cornell College with a Bachelor's degree in history and English, and received a Master's degree in library science from the University of Iowa.

After spending several years working in public libraries in Montana and Utah, she moved to Boise in 1979 and found a part-time job in the reference department at the Idaho State Library. She began searching proprietary computer databases as part of the agency's reference service. In the early 1980's, she was assigned the job of selecting the library's first computer. She moved into the role of library automation consultant and in 1986 as part of an agency reorganization was hired as the Associate Director for Library Development.

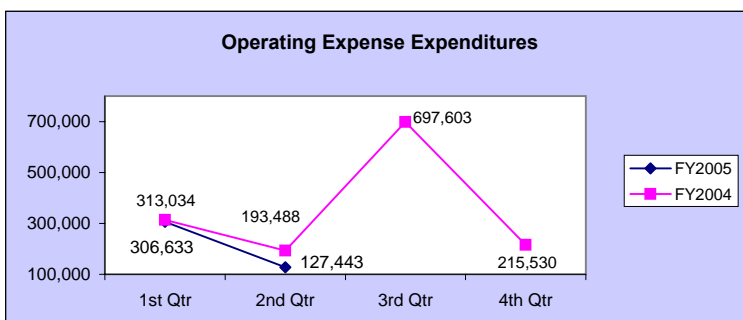
In managing a growing number of library development programs and staff, Ann gained extensive experience in collaborative processes; she has facilitated statewide library planning meetings in Colorado, Texas, and Utah and taught workshops in strategic planning, futures, and group facilitation processes for a variety of agencies and libraries.

Ann was appointed State Librarian by the State Library Board effective January 1, 2005. She continues to serve as a member of ICTL and chair its Higher Ed Committee, and now serves ex officio on the boards of the Idaho Library Association and the Idaho Center for the Book.

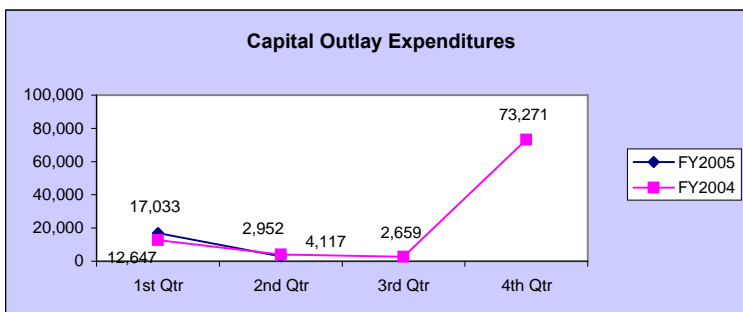
**Idaho State Library  
Performance Report to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005**



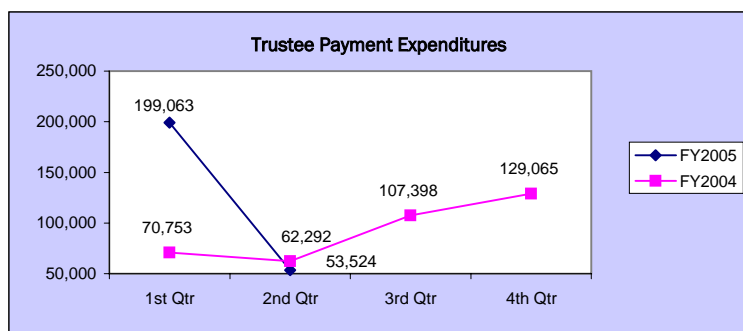
**Personnel Cost Expenditures:** Fluctuation is due to an extra payroll in the 1st and 3rd quarters. ISL was fully staffed and distribution of FY05 CEC was effective the first quarter of FY05 .



**Operating Expense Expenditures:** Fluctuation is due to fixed operating costs for rent due in 1st and 3rd quarters and the LiLI Database payment in January. FY05 expenditures are \$306,633 and \$127,443.

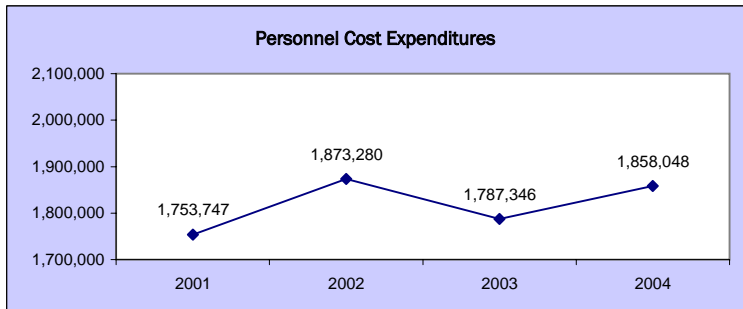


**Capital Outlay Expenditures:** ISL's General Fund appropriation in FY04 was \$0 and FY05 was \$40,000. FY04 expenditures were delayed until the 4th quarter due to unknown budget issues related to holdbacks and vacant positions. FY05 expenditures are \$17,033 and \$2,952.

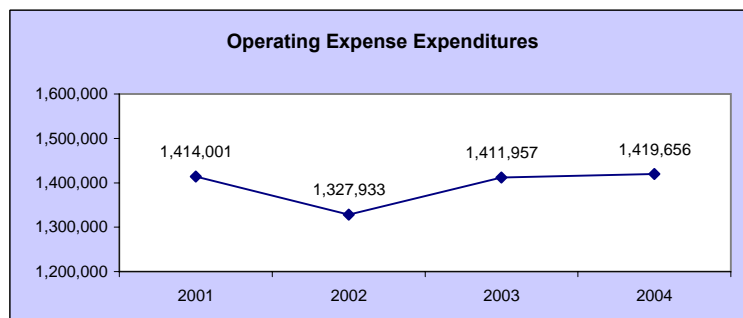


**Trustee Payment Expenditures:** Trustee Payment Expenditures are dependent on Trustee claim patterns and amounts awarded to sub-grantees which are extremely variable. The Federal LSTA Grant is expended on a two-year cycle. The expenditure cycle for one-time grants is based on the specific grant criteria.

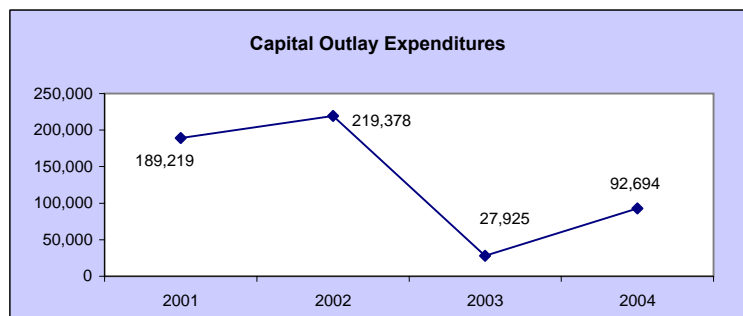
**Idaho State Library  
Performance Report to the State Board of Education  
Prior Four Year Comparison**



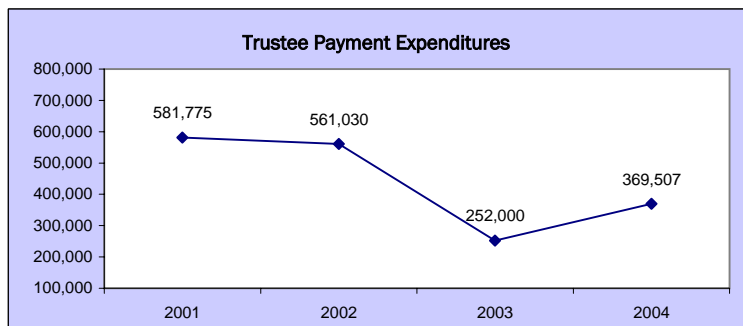
**Personnel Cost Expenditures:** Fluctuations are due to vacant positions and the decrease in FY03 includes the loss of 3 FTE. The increase in FY04 reflects full staffing and the expenditure of salary savings at the end of the fiscal year.



**Operating Expense Expenditures:** Fluctuation in the timing of federal expenditures and one-time grants are reflected in the decrease in operating in FY02.



**Capital Outlay Expenditures:** Fluctuation in FY03 and FY04 was due to the loss of capital outlay appropriation in the General Fund. Object transfers were used for these expenditures.



**Trustee Payment Expenditures:** Trustee Payment Expenditures are dependent on Trustee claim patterns and the amounts awarded to sub-grantees which are extremely variable.

**Idaho State Library**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002			FY 2003			FY 2004			FY 2005 YTD		
	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL	GENERAL	OTHER	TOTAL
1 APPROPRIATION	2,944,500	1,368,300	4,312,800	2,329,700	1,656,800	3,986,500	2,418,600	1,467,300	3,885,900	2,552,200	2,029,700	4,581,900
ACTUAL EXPENDITURES												
2 PERSONNEL COSTS:	1,701,847	171,433	1,873,280	1,622,064	165,283	1,787,346	1,687,980	170,067	1,858,048	933,435	96,414	1,029,850
OPERATING EXPENDITURES												
3 Communication Costs	46,105	13,799	59,903	35,963	17,179	53,142	21,980	13,434	35,414	11,447	1,808	13,255
4 Employee Development	9,462	2,706	12,168	11,096	2,655	13,751	11,905	3,899	15,804	6,950	755	7,705
5 General Services	52,853	11,146	63,999	28,884	26,040	54,924	23,096	10,200	33,296	9,072	4,350	13,422
6 Professional Services	60,689	26,143	86,832	14,580	186,370	200,949	15,797	191,061	206,858	9,525	52,223	61,748
7 Repair & Maintenance Services	4,181	143	4,324	8,479	651	9,130	11,256	1,344	12,601	4,693	-	4,693
8 Administrative Services	36,929	53,160	90,088	29,555	63,701	93,256	20,221	79,557	99,778	8,874	13,513	22,388
9 Computer Services	55,640	4,400	60,040	232,813	282,625	515,438	234,086	323,169	557,255	15,442	-	15,442
10 Employee Travel	40,521	25,343	65,864	24,880	28,045	52,925	39,761	31,957	71,717	26,706	11,470	38,176
11 Administrative Supplies	10,792	1,239	12,032	8,996	4,276	13,272	5,668	2,492	8,161	3,845	1,229	5,074
12 Fuel Costs	1,327	1,127	2,454	1,534	948	2,482	1,736	1,304	3,040	2,110	-	2,110
13 Manufacturing & Merchandise Costs	-	-	-	-	-	-	-	-	-	-	-	-
14 Computer Supplies	22,541	846	23,387	15,830	2,749	18,579	13,568	613	14,181	6,111	38	6,149
15 Repair & Maintenance Supplies	1,479	422	1,901	2,657	490	3,147	154	-	154	-	-	-
16 Institutional & Residential Supplies	-	-	-	-	-	-	-	-	-	-	-	-
17 Specific Use Supplies	37,140	15,989	53,129	3,553	42,504	46,057	3,815	30,277	34,092	3,938	7,713	11,651
18 Insurance	8,657	-	8,657	8,923	-	8,923	8,152	-	8,152	2,749	-	2,749
19 Utility Charges	2,541	-	2,541	1,705	-	1,705	1,720	-	1,720	319	-	319
20 Rental & Operating Leases	434,268	280,035	714,303	224,189	20,366	244,555	223,522	14,081	237,603	112,785	7,746	120,531
21 Miscellaneous	32,479	33,834	66,313	17,636	62,086	79,722	19,176	60,653	79,829	14,043	94,624	108,667
22 Subtotal Operating Expenditures:	857,602	470,331	1,327,933	671,270	740,687	1,411,957	655,614	764,041	1,419,655	238,608	195,469	434,076
23 CAPITAL OUTLAY:	203,064	16,315	219,378	15,000	12,925	27,925	74,996	17,698	92,694	18,473	1,511	19,984
24 TRUSTEE & BENEFITS:	25,000	536,030	561,030	-	252,000	252,000	-	369,508	369,508	-	252,587	252,587
25 GRAND TOTAL:	2,787,512	1,194,109	3,981,622	2,308,333	1,170,895	3,479,228	2,418,591	1,321,314	3,739,905	1,190,516	545,981	1,736,497
26 % Change Over/Under Prior Year	n/a	n/a	n/a	-21%	-2%	-14%	5%	11%	7%			
27 % of Appropriation Remaining										47%	27%	38%
28 % of Months Remaining										50%	50%	50%

Comments: The "other" appropriation for FY 2002 - 2005 includes funds appropriated to Public Schools and transferred to ISL for the LiLI Database. Adjustments to the appropriations, including non-cogs and FY 2003's negative supplement and reversion, are reflected for FY 2002 - FY 2005.

## **Idaho Career Information System Agency Overview**

The purpose of the CIS is to provide information to the residents of the state of Idaho that helps them to become aware of the world of work, to understand the link between education and work and to make successful career decisions. Established in 1980 as Idaho's official career information system, CIS represents the only comprehensive source of career information about Idaho and the nation. After collecting information and data from hundred of sources, CIS organizes it into understandable career information and delivers it via the Internet. Using the Internet tools like the individual electronic portfolio and CIS information, people can:

- a) Explore career opportunities in Idaho and the nation
- b) Find schools and educational programs related to those career opportunities
- c) Make successful career decisions and educational plans
- d) Find work

More than 300 schools and agencies in Idaho subscribe to CIS information including:

- |  |     |
|--|-----|
| • Secondary schools                            | 218 |
| • Locations on college and university campuses | 25  |
| • Idaho Commerce and Labor local offices       | 24  |
| • Vocational Rehabilitation local offices      | 28  |
| • Correctional facilities                      | 11  |
| • Other organizations                          | 21  |

CIS will provide the following types of information and on-line services to approximately 114,000 people in Idaho this year:

- 480 Occupational descriptions including preparation, work settings, wages, outlook, employment, and videos.
- All Idaho postsecondary schools and 4000 national 2- and 4-years schools.
- 670 educational programs including program length, typical course work and admission requirements and apprenticeship programs.
- Over 3,300 sources of financial and scholarships.
- On-line interest, skill and work values assessments.
- Occupational, school and scholarship sorting programs.

CIS is governed by the Idaho State Occupational Information Coordinating Committee (SOICC). SOICC serves as the Board of Directors for CIS and includes the chief executive officer or their designee from the Office of the State Board of Education, the Division of Professional-Technical Education, the Idaho Department of Commerce (one member) and Labor (one member), the Division of Vocational Rehabilitation and the Workforce Development Council. More information is available at <http://cis.idaho.gov>.

## **Chuck Mollerup**

### **Director Career Information System**

Born and raised in Caldwell, Idaho and graduated from Caldwell High School. Founded the Idaho Career Information System (CIS) in 1980 and currently serves as its Director. CIS is Idaho's official comprehensive career information system and only resource that provides information about scholarships, education, schools and work found in Idaho and throughout the nation. CIS information is delivered via the Internet and computerized software through approximately 330 schools and agency offices throughout Idaho. Over 110,000 people in Idaho use CIS information each year to make career decisions, explore educational opportunities, attend college and find jobs.

The Director of CIS is responsible of all aspects of organizational management and leadership including educational market research, new product development, information delivery, customer service and training.

#### **Education:**

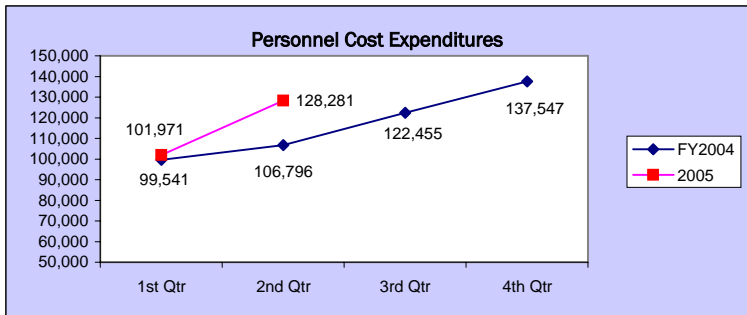
- B.B.A. in Management and Organization, Idaho State University, 1970
- M.Ed. in Adult and Vocational Education, University of Idaho, 1990

#### **Professional Memberships:**

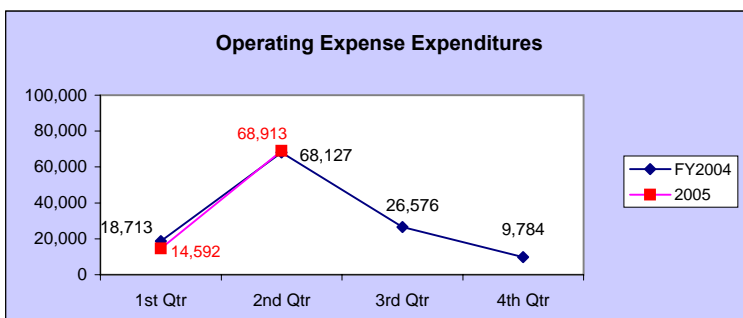
- Boise Metro Chamber of Commerce, Chair of the Education and Workforce Committee, 2000 – 2002.
- Idaho School Counselor's Association, recipient of the Advocate of the Year award, 2003.
- Association of Computer-Based Systems for Career Information, Past-President
- Idaho Career Development Association, President 1990, 1996, & 2001
- Idaho Counseling Association, Treasurer 1992-1998
- United Way, State Employee Campaign Coordinator 1990 - 2003

Interests: Whitewater rafting, fishing, golfing

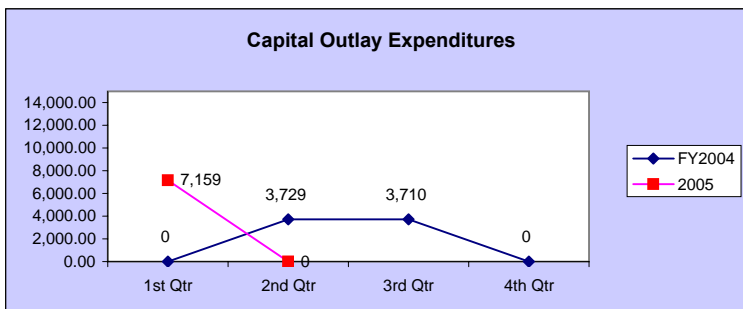
**Idaho Career Information System  
Performance Reports to the State Board of Education  
Quarterly Financial Data for FY 2004 and FY 2005**



**Personnel Cost Expenditures:** There were no salary increases or vacancies in 2004. Charging pc costs to the year in which they occurred causes the 1st quarter to be lower and the 4th quarter to be higher. The increases in the 3rd Qtr. of FY'04 and the 2nd QTR of FY'05 are due to an extra pay period.

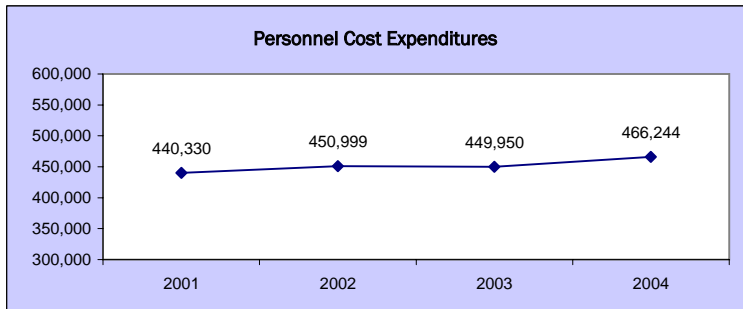


**Operating Expense Expenditures:** The largest operating expenses are generally reflected in the 2nd Qtr. Expense report. The single largest expenditure is the intoCareers contract for the CIS licensed software, joint purchase of national school and scholarship information, and Internet hosting and delivery services.

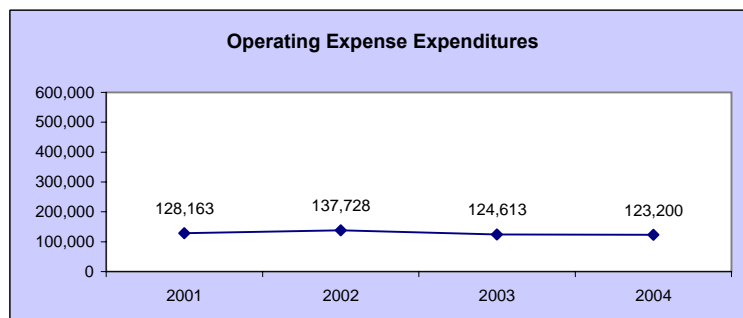


**Capital Outlay Expenditures:** Some capital expenditures were delayed in 2004 due to unknown budget regarding a possible holdback. FY'05 expenditures reflect normal computer rotation and a new office printer.

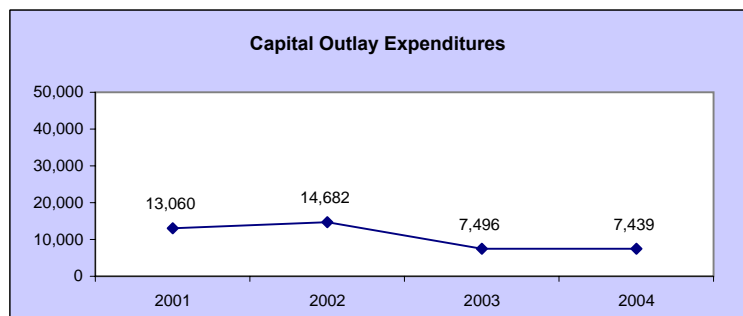
**Idaho Career Information System  
Performance Reports to the State Board of Education  
Prior Four Year Comparison**



**Personnel Cost Expenditures:** There is very little fluctuation in personnel costs because there were no salary increases in FY '03 and '04 and no staff turnover since FY 2001. Increases are due to increases in employee benefits, primarily the cost of health care.



**Operating Expense Expenditures:** Reductions in operating costs are primarily due to savings achieved from moving from Windows and MAC platforms to Internet delivery of career information.



**Capital Outlay Expenditures:** Expenditures reflect the normal course of computer rotation and replacement of office printers. FY-03 and '04 expenditures were reduced due to uncertainty about a possible budget holdback.



**Idaho Career Information System**  
**Summary of Appropriation & Expenditures**  
**Fiscal Year 2002 - 2005**  
**Through December 2004**

Fund Source	FY 2002				FY 2003				FY 2004				FY 2005 YTD			
	GENERAL	OTHER	TOTAL		GENERAL	OTHER	TOTAL		GENERAL	OTHER	TOTAL		GENERAL	OTHER	TOTAL	
1 Non-Cognizable Allocated Funds		679,709	679,709			679,832	679,832			685,044	685,044			703,020	703,020	
ACTUAL EXPENDITURES																
2 PERSONNEL COSTS:		449,401	449,401			452,595	452,595			458,501	458,501			230,252	230,252	
OPERATING EXPENDITURES																
3 Communication Costs		6,041	6,041			4,538	4,538			4,431	4,431			137	137	
4 Employee Development		2,754	2,754			1,893	1,893			2,383	2,383			931	931	
5 General Services		500	500			1,135	1,135			-	-			-	-	
6 Professional Services		1,919	1,919			822	822			503	503			570	570	
7 Repair & Maintenance Services		-	-			-	-			62	62			-	-	
8 Administrative Services		19,799	19,799			11,062	11,062			5,516	5,516			4,880	4,880	
9 Computer Services		81,903	81,903			75,673	75,673			74,985	74,985			57,400	57,400	
10 Employee Travel		13,128	13,128			12,298	12,298			12,220	12,220			6,039	6,039	
11 Administrative Supplies		3,293	3,293			4,062	4,062			1,703	1,703			1,009	1,009	
12 Fuel Costs		-	-			-	-			-	-			-	-	
13 Manufacturing & Merchandise Costs		-	-			-	-			-	-			-	-	
14 Computer Supplies		4,963	4,963			3,122	3,122			1,933	1,933			1,627	1,627	
15 Repair & Maintenance Supplies		225	225			136	136			40	40			-	-	
16 Institutional & Residential Supplies		-	-			-	-			-	-			-	-	
17 Specific Use Supplies		-	-			450	450			447	447			-	-	
18 Insurance		-	-			-	-			-	-			-	-	
19 Utility Charges		-	-			-	-			-	-			-	-	
20 Rental & Operating Leases		17,388	17,388			16,912	16,912			16,580	16,580			9,330	9,330	
21 Miscellaneous		1,710	1,710			1,416	1,416			2,784	2,784			1,580	1,580	
22 Subtotal Operating Expenditures:	-	153,623	153,623		-	133,519	133,519		-	123,587	123,587		-	83,503	83,503	
23 CAPITAL OUTLAY:		14,682	14,682			7,996	7,996			7,248	7,248			7,159	7,159	
24 TRUSTEE & BENEFITS:																
25 GRAND TOTAL:	-	617,706	617,706		-	594,109	594,109		-	589,336	589,336		-	320,914	320,914	
26 % Change Over/Under Prior Year	n/a	n/a	n/a		na	-4%	-4%		n/a	-1%	-1%					
27 % of Appropriation Remaining														54.35%	54.35%	
28 % of Months Remaining													50%	50%	50%	

Comments: CIS is funded From fund 0348 Federal Fund and fund 0349 Miscellaneous Revenue Fund

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**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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**SUBJECT**

Educational Needs at Idaho State School for the Deaf and the Blind Schools.

**APPLICABLE STATUTE, RULE, OR POLICY**

NA

**BACKGROUND**

Senator Hal Bunderson has written several letters to Board staff concerning the educational needs of deaf children. Senator Bunderson asked to make a presentation to the State Board of Education on these needs and his concerns.

**DISCUSSION**

In Senator Bunderson's correspondence to Board staff, he outlines the problems that parents have expressed to him. Senator Bunderson also poses several questions to the Board. Those concerns and questions are included in the attached materials.

**IMPACT**

NA

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff offers no comments or recommendations at this time.

**BOARD ACTION**

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

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**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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**REFERENCE: Letter from Representative Bunderson to Gary Stivers and members of the State Board of Education**



**IDAHO STATE SENATE**

Hal Bunderson  
Senator, District 14  
Northwestern Ada County

State Capitol  
P.O. Box 83720  
Boise, Idaho 83720-0081

RECEIVED  
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OFFICE OF THE IDAHO  
STATE BOARD OF EDUCATION

582 River Heights Drive  
Meridian, Idaho 83642  
(208) 888-7156

January 31, 2005

Gary W. Stivers  
Executive Director  
Idaho State Board of Education (SBOE)  
PO Box 83720  
Boise, Idaho 83720-0037

Re: Meeting basic oral education needs for deaf children with cochlear implants and digital hearing aids

Dear Gary and members of the Board:

Attached is a letter from concerned parents of deaf and hard of hearing children with cochlear implants and digital hearing aids. Many of their concerns are similar to those I discussed with you and Harv Lyter in your office last fall.

Below are questions for which I am requesting a response. If I have failed to frame the problems or questions adequately please clarify or call me.

Problems

Parents are deeply worried about the educational future of their deaf and hard of hearing children. Studies show that the average deaf child can only read at 4<sup>th</sup> grade level when they become adults. These parents want better and indeed, existing technology gives them a powerful option if supported by proper educational systems.

Cochlear Implants and digital hearing aids allow children to mainstream in society within several years if they are properly taught. Whereas, deaf children in Idaho's signing education program are in the program until they are 21. They believe oral education costs a fraction of the cost of signing and produces students who can function at a level comparable to those who hear without assistance.

I believe Idaho lags behind most states in its oral education programs. For example, in Utah, I understand a decided majority of their deaf preschool and school students are in oral education programs; up to 80% in some preschool ages. The majority have cochlear implants.

On the other hand, some believe it's a birthright for children born deaf to not ever hear. In fact, some have written books supporting their "deaf culture" thesis.

While we must be respectful, we should not be biased. Unfortunately in the past, it appears "deaf culture" philosophies have controlled state policy and budget decisions. Although improvements have been made, this biased support appears to continue. If signing programs get the funding, it becomes a self-fulfilling prophecy that there are more signing students in Idaho than oral.

Questions

1. What are the facts about the ability of the deaf with cochlear implants to hear and function in

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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Gary Stivers  
Page 2  
January 31, 2005

society? Are the Utah stats accurate? Where does Idaho stand in comparison to other states (see 7.)?

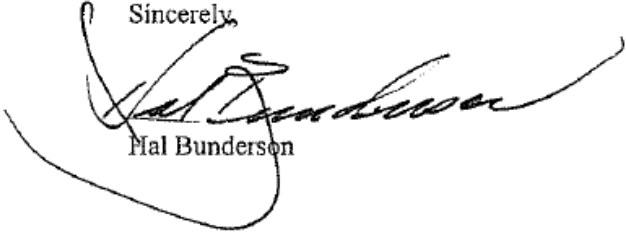
2. What are the SBOE and ISDB vision, plan and budget for oral teaching of the deaf and hard of hearing with cochlear implants and digital hearing aids?
3. A study by your office stated that the average cost of a resident student at Gooding is \$72,500 per year vs. \$2,200 for an outreach student. You indicated many resident students have multiple disabilities including deafness.
  - To the extent this is the case, why isn't the school an ICFMR facility with 70% of costs paid under the federal Medicaid program? It would save the state \$50,000 per student less any additional cost of meeting Medicaid standards.
  - Alternatively, why aren't those students/clients in an ICFMR facility with ISDB working with them in an outreach capacity? That could also free-up money for other student education needs.
4. Will you perform a pro forma cost benefit analysis between educating a child using signing (21 years) and a child with implant technology in oral education (6-8 years?)-each taught with appropriate specialized teachers in a similar class size?
5. Meridian School District has a specialized teacher working with Cochlear Implant children. Her salary is paid by ISDB and is just above the minimum specified in law. The parents say she is excellent but plans to leave due to low pay. Can you intercede and pay her a salary commensurate with her skill? Her three cochlear implant students will grow to nine next year. Are oral programs between districts combined to the extent practicable? Is there a competitive salary schedule for these teachers?
6. What is the SBOE plan to get the critical mass of students necessary to have an effective program in each part of the state? A plan that allows families to be together rather than the more costly and family disruptive residency program.
7. In your deliberations will you consider the impact on economic development? The jobs of the 21<sup>st</sup> century will come from business that produce or effectively use science and technology. To be competitive, Idaho needs programs that effectively use and teach technology to our deaf youth.

The parents have recommended a steering committee of doctors, educators, speech therapists, parents and others specialized/interested in working with the deaf. I believe forming such a committee would be helpful to the SBOE.

Gary, I support the SBOE efforts to overhaul the ISDB strategic plan to include consideration of the matters referenced above. If you have questions, please call.

With kindest regards.

Sincerely,

  
Mal Bunderson

Cc: Dr. Linda Clark, Meridian School District  
Senators Geode, Cameron and Geddes  
Representatives Barraclough, Bell and Newcomb  
Dr. Mark and Elizabeth Miller (Representatives of parents)

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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**REFERENCE: Letter to Idaho State Representatives and Senators from parents**

January 25, 2005

Dear senators and representatives of the State of Idaho:

We as parents of children who are deaf and hard-of-hearing in Idaho, have felt again the necessity to make our collective voice known regarding deaf education in this state and request that our representatives re-evaluate the current system which continues to be largely ineffective in meeting the long-term needs of children with cochlear implants and digital hearing aids. These children need the opportunity for auditory-oral education in order to meet their needs as they are now capable of learning through audition and to communicate using oral and written English. The Idaho School for the Deaf and Blind has for many years ignored these needs (when they were depended on to anticipate them), and has refused to acknowledge them until just recently despite multiple attempts by parents to bring the needs to their attention over many, many years.

Our understanding is that ISDB is required by agreement to assist in providing educational services for all deaf children in Idaho. Unfortunately, they continue to only focus nearly all of their efforts and the overwhelming majority of their resources only on the subset of deaf children who use sign language as their primary mode of communication, largely ignoring this growing segment of auditory-oral children. Only until recently, and due to some pressure from the State Board of Education, did ISDB finally listen to the parents of these children and recognize the perpetuated deficiency, and initiated an auditory-oral program in the Boise area. The two current oral teachers are dedicated and work very well with the children. Some important progress has been achieved due to what we believe are the sincere efforts of a few individuals, but there are urgent issues and serious long-term problems which remain. The lack of long-term planning is resulting in the loss of quality qualified teachers.

The need for auditory-oral services has grown tremendously in the past decade due to advances in cochlear implant technology and digital hearing aids. For example, in our neighboring state, Utah School for the Deaf Central Region this year (2004-05) reports that 81% of the deaf children entering their preschool programs enroll in auditory-oral classrooms, compared to 19% of children who enroll in sign language classrooms. The Central Utah region (1/3 of the state) currently has 18 auditory-oral teachers, and the need continues to grow. These numbers are representative of demographic trends across the country as more and more families pursue these technologies. The benefits are numerous, which accounts for the large shift in choice toward using auditory-oral methods for communication. Of note, studies show that most of these children can be mainstreamed into public schools early in their elementary education, thus in the end saving the educational system hundreds of thousands of dollars, and providing a very promising future to these children.

Unfortunately, ISDB has continued to ignore these trends and the reality facing them, and allocates less than 1% of its \$6.6 Million personnel budget to auditory-oral teachers.



**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**  
**MARCH 10, 2005**

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Allocating less than 1% of budget resources on this fast growing group of children (they make up 81% of entering deaf preschool students in the largest region of Utah) is overtly discriminatory and frankly wrong, and displays the continued inability of ISDB to see, understand, enact and pursue appropriate long-term goals that will meet the needs of the majority of deaf students in this state. The need is tremendous, and these children are depending on the educational system to meet these needs. This inability to answer to the realities of today and of the future in this population has unfortunately left Idaho over a decade behind in providing appropriate auditory-oral education to this group of children.

We are calling for a major re-evaluation of the current system, and ask our senators and representatives to hold ISDB accountable for these gross deficiencies and misappropriations. Now is the time to see the need and correct the course we are following. We simply cannot afford to continue the path that has been followed in years past. We very strongly recommend that some system of accountability be established so that we do not perpetuate these deficiencies, and that we

- Appropriate 20 – 25 % of the allocated budget for deaf education to the development of a state-wide auditory-oral program, and appropriately transition educational programs.
- Enact a system to recruit, train and retain qualified quality teachers of oral deaf education, a gross shortage of which exists in Idaho. Immediately and substantially raise the salary of teachers with the specialized skills to teach in auditory-oral classrooms, so they can be retained in Idaho. This need is urgent.
- Completely re-write the strategic long-term plan and mission to acknowledge these oral children, their growing numbers, and plan appropriately for their future.
- Establish a steering committee outside of ISDB made up of professionals, doctors, parents, and administrators, and specifically a qualified consulting professional in auditory-oral education to guide, advise, evaluate, and report so that there is true accountability for educational results among this group of children.

Please remember that today's 0 – 5 year age group is the make-up of the elementary and high school students of the next 10 to 15 years. Where the opportunity exists, the majority of families of deaf children in this age group are choosing auditory-oral education. Our long-term plan must reflect this. Substantial change in a system which allocates so little to them is long overdue. If the deficiencies were subtle, we might understand, but they are plain and obvious. Our plan for the future should reflect the reality of today and educate children according to their family's choice in communication.

We would be happy to meet with you regarding our concerns, and ask that prompt attention be brought to this matter.

Sincerely,

*Ryan and Mary Harris*  
4685 W. Deer Flat  
Kuna ID 83634

*Elizabeth R. Miller*  
*Mark Miller*  
Elizabeth and Mark Miller  
1906 E. Dunwoody Ct.  
Mendon, ID 83642



PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS  
MARCH 10, 2005

Susan Jones  
Susan S. Jones  
8016 Arapaho Ct  
Boise, ID 83714  
853-4314

Paige Barber  
William Barber  
31241 Ray Ave  
Caldwell, Idaho  
83605

Alison Simpson  
Alexander Simpson  
645 N. Luna Place  
Kuna Id 83634  
922-4918

Tanya Parker  
Adam Parker  
12524 W Woodmuffs Ct  
Boise, ID 83709  
562-0391

Ron & Betty Tollman (Barber  
grandparents)  
620 E. Logan  
Caldwell Idaho 83605

Leslie Allen  
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Ken Christensen

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