

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11-13, 2006

TAB	DESCRIPTION	ACTION
1	PRESIDENT'S COUNCIL REPORT	Information Item
2	LEWIS-CLARK STATE COLLEGE PROGRESS REPORT	Information Item
3	AGENCY REPORT – IDAHO STATE HISTORICAL SOCIETY	Information Item
4	PTE UPDATE ON STATE PLAN FOR FEDERAL FUNDS - CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006	Information Item
5	SECOND READING - AMENDMENT TO BOARD POLICY – BY LAWS, H AND J	Motion to Approve
6	APPROVAL OF PENDING IDLA RULE	Motion to Approve
7	APPROVAL OF MPC BOWL ALCOHOL WAIVER	Motion to Approve

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11-13, 2006

SUBJECT

Presidents' Council Report.

APPLICABLE STATUTE, RULE, OR POLICY

N/A

BACKGROUND

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

ATTACHMENTS

N/A

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
October 11-13, 2006

SUBJECT

Lewis-Clark State College Progress Report

BACKGROUND

Periodically, the institutions of higher education in the State of Idaho are requested to provide a progress report to the members of the State Board of Education. It has been about one year since Lewis-Clark State College has supplied an overview of its status and accomplishments.

DISCUSSION

Dene Thomas, President of Lewis-Clark State College, will be in attendance at the meeting and present a summary of the accomplishments and future goals of the institution.

IMPACT

President Thomas's presentation will provide the State Board members and others with current status information about Lewis-Clark State College.

ATTACHMENTS

N/A

STAFF COMMENTS AND RECOMMENDATIONS

No staff comments or recommendations are needed 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 & GOVERNMENTAL AFFAIRS
October 11-13, 2006

SUBJECT

Idaho State Historical Society Progress Report

BACKGROUND

In an effort to allow the agencies under the authority of the State Board of Education an opportunity to present to the State Board of Education on a more regular basis, one of the agencies will be making a presentation before the Board at each meeting. This report will be a progress report and an opportunity for the agency to supply an overview of its status and accomplishments.

DISCUSSION

Steve Guerber, from Idaho State Historical Society (ISHS), will be in attendance at the meeting and present a summary of the accomplishments and future goals of ISHS.

IMPACT

Mr. Guerber's presentation will provide the State Board members and others with current status information about the Idaho State Historical Society.

ATTACHMENTS

N/A

STAFF COMMENTS AND RECOMMENDATIONS

No staff comments or recommendations are needed at this time.

BOARD ACTION

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STATE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

SUBJECT

State Plan for Federal Funds under the Carl D. Perkins Career and Technical Education Act of 2006

APPLICABLE STATUTES, RULE OR POLICY

Sections 33-2201 through 33-2207, Idaho Code;
P.L. S.250, Carl D. Perkins Career and Technical Education Act of 2006;
IDAPA 55.01.01

BACKGROUND

P.L. 109-270, Carl D. Perkins Career and Technical Education Act of 2006 was signed by the President on August 12, 2006, reauthorizing the federal legislation for Professional-Technical Education through FY2013

DISCUSSION

The purpose of Perkins IV is to develop more fully the academic and career and technical skills of secondary and postsecondary education students who elect to enroll in career and technical education programs.

As the administrative agent of the State Board for Professional-Technical Education, the State Division of Professional-Technical Education is developing the State Plan in accordance with provisions of the Act for the period of July 1, 2007 through June 30, 2013 and will apply for the federal funds. The Division will present the Draft Plan at the Board's February, 2007 meeting and will request approval from the Board at the April, 2007 meeting.

IMPACT

Development of the Six-Year State Plan as required by P.L. 109-270, Carl D. Perkins Career and Technical Education Act of 2006

STAFF COMMENTS AND RECOMMENDATIONS

N/A

BOARD ACTION

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S.250

Carl D. Perkins Career and Technical Education Improvement Act of 2006 **(Enrolled as Agreed to or Passed by Both House and Senate)**

SEC. 122. STATE PLAN.

(a) State Plan-

(1) IN GENERAL- Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

(2) REVISIONS- Each eligible agency--

(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

(3) HEARING PROCESS- The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

(b) Plan Development-

(1) IN GENERAL- The eligible agency shall--

(A) develop the State plan in consultation with--

(i) academic and career and technical education teachers, faculty, and administrators;

(ii) career guidance and academic counselors;

(iii) eligible recipients;

(iv) charter school authorizers and organizers consistent with State law;

(v) parents and students;

(vi) institutions of higher education ;

(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

(viii) entities participating in activities described in section 111 of Public Law 105-220;

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

- ^(ix) interested community members (including parent and community organizations);
 - ^(x) representatives of special populations;
 - ^(xi) representatives of business and industry (including representatives of small business); and
 - ^(xii) representatives of labor organizations in the State; and
 - ^(B) consult the Governor of the State with respect to such development.
- ^(2) ACTIVITIES AND PROCEDURES- The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.
- ^(c) Plan Contents- The State plan shall include information that--
 - ^(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of--
 - ^(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that--
 - ^(i) incorporate secondary education and postsecondary education elements;
 - ^(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education ;
 - ^(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and
 - ^(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;
 - ^(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);
 - ^(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;
 - ^(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;
 - ^(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve,

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

and expand access to appropriate technology in career and technical education programs;

`(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan will--

`(i) promote continuous improvement in academic achievement;

`(ii) promote continuous improvement of technical skill attainment; and

`(iii) identify and address current or emerging occupational opportunities;

`(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

`(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

`(I) how funds will be used to improve or develop new career and technical education courses--

`(i) at the secondary level that are aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

`(ii) at the postsecondary level that are relevant and challenging; and

`(iii) that lead to employment in high skill, high wage, or high demand occupations;

`(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under title II and eligible recipients to improve program quality and student achievement;

`(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and

`(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

`(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that--

`(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

`(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

`(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

`(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

`(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

`(F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and

`(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

`(3) describes efforts to improve--

`(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

`(B) the transition to teaching from business and industry, including small business;

`(4) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education ;

`(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

`(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated--

`(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including the rationale for such allocation; and

`(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

`(7) describes how the eligible agency will--

`(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

the integration of academics with career and technical education to ensure learning in--

- `(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and
 - `(ii) career and technical education subjects;
- `(B) provide students with strong experience in, and understanding of, all aspects of an industry; and
- `(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;
- `(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;
- `(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations--
 - `(A) will be provided with equal access to activities assisted under this Act;
 - `(B) will not be discriminated against on the basis of their status as members of the special populations; and
 - `(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;
- `(10) describes--
 - `(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and
 - `(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3);
- `(11) provides assurances that the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs;
- `(12) provides assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

- ˆ (13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;
- ˆ (14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;
- ˆ (15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;
- ˆ (16) describes how career and technical education relates to State and regional occupational opportunities;
- ˆ (17) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;
- ˆ (18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;
- ˆ (19) describes how funds will be used to serve individuals in State correctional institutions; and
- ˆ (20) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.
- ˆ (d) Plan Options-
 - ˆ (1) SINGLE PLAN- An eligible agency not choosing to consolidate funds under section 202 shall fulfill the plan or application submission requirements of this section, and section 201(c), by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 204 by submitting a single local plan.
 - ˆ (2) PLAN SUBMITTED AS PART OF 501 PLAN- The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of Public Law 105-220, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.
- ˆ (e) Plan Approval-
 - ˆ (1) IN GENERAL- The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that--
 - ˆ (A) the State plan, or revision, respectively, does not meet the requirements of this Act; or
 - ˆ (B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.
 - ˆ (2) DISAPPROVAL- The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

` (3) CONSULTATION- The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education , postsecondary career and technical education , tech prep education , and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education , and the State agency responsible for secondary education . If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

` (4) TIMEFRAME- A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

` SEC. 123. IMPROVEMENT PLANS.

` (a) State Program Improvement-

` (1) PLAN- If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

` (2) TECHNICAL ASSISTANCE- If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.

` (3) SUBSEQUENT ACTION-

` (A) IN GENERAL- The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency--

` (i) fails to implement an improvement plan as described in paragraph (1);

` (ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

` (iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

- ` (B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES- The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.
- ` (4) FUNDS RESULTING FROM REDUCED ALLOTMENTS- The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.
- ` (b) Local Program Improvement-
 - ` (1) LOCAL EVALUATION- Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.
 - ` (2) PLAN- If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.
 - ` (3) TECHNICAL ASSISTANCE- If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.
 - ` (4) SUBSEQUENT ACTION-
 - ` (A) IN GENERAL- The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient--
 - ` (i) fails to implement an improvement plan as described in paragraph (2);
 - ` (ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or
 - ` (iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS

October 11-13, 2006

`(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES- In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions--

`(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or

`(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

`(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS- The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this Act.

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

SUBJECT

Second Reading of Amendment to Board Bylaws

BACKGROUND

The Board's Bylaws have not been amended since October 2004. Staff has amended the Bylaws to make them more consistent with the current practices of the Board.

DISCUSSION

Since April 2004, the Board has made many changes in the operation of the standing committees under the Board. The following proposed amendments are intended to bring the Board's Bylaws into compliance with the current practices of the Board.

IMPACT

If the Board chooses not to approve the second reading of the amendment to the Board Bylaws, the Board's Bylaws will not be consistent with current Board practice. If the Board does approve the second reading of the approval of the amendment to Board policies, the Board Bylaws will be updated effective August 2006.

Based on the Board's discussion during the first reading of these amendments, revisions have been made to the Board's Bylaws between first and second reading.

ATTACHMENTS

Bylaws H-J

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the second reading of the amendment to Board Bylaws

BOARD ACTION

A motion to approve the second reading of the amendment to Board Bylaws.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES
SECTION: BYLAWS

Revised August 2006

H. Committees of the Board

The Board shall organize itself into four (4) permanent standing committees: the Planning, Policy and Governmental Affairs Committee; the Instruction, Research, and Student Affairs Committee; the Business Affairs and Human Resources Committee; and the Audit Committee. The Board may constitute other non-permanent task forces or working groups as necessary. Standing committee members, and the members of any task forces or working groups, are appointed by the Board president after informal consultation with other Board members. Any Board standing committee, task force, or working group may make recommendations to the Board, but may not take any action, except when authority to act has been delegated by the Board. The Board president may serve as an ex-officio member of any standing committee, task force, or working group.

For purposes of the bylaws, the University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, Eastern Idaho Technical College, the College of Southern Idaho and North Idaho College are included in references to the "institutions;" and Idaho Educational Public Broadcasting System, the Division of Vocational Rehabilitation, the Division of Professional-Technical Education, the State Department of Education, the State Historical Society, and the State Library are included in references to the "agencies." The School for the Deaf and the Blind is referred to as "school."* An institution, agency or school may, at its option and with concurrence of the Board president, comment on any committee report or recommendation.

1. Planning, Policy and Governmental Affairs Committee

a. Purpose

The Planning, Policy and Governmental Affairs Committee is a permanent standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy, planning, and governmental affairs. The committee, in conjunction with the chief executive officers and chief administrators of the Board governed agencies, institutions and school, will develop and recommend to the Board future planning initiatives and goals. This committee shall also advise the Board on collaborative and cooperative measures for all education entities and branches of state government necessary to provide for the general supervision, governance and control of the state educational institutions, agencies and public schools, with the goal of producing a seamless educational system.

b. Composition

* Definition provided for purposes of the Bylaws only. Recognizing the Board governance relationship varies with each of these entities, the intent in including representatives of each of the agencies and institutions as much as possible in the committee structure is to ensure proper and adequate representation, but is not intended to obligate or interfere with any other local boards or governing entities.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11 - 13, 2006

The Planning, Policy and Governmental Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) member to serve as the chairperson and spokesperson of the committee, and the Deputy Director. The Planning, Policy and Governmental Affairs Committee may form a working unit or units, as necessary, to advise the committee. The chairperson presents all committee and working unit recommendations to the Board.

c. Responsibilities and Procedures

The Planning, Policy and Governmental Affairs Committee is responsible, through its various working unit or units, for making recommendations to the Board in the following general areas:

- (1) long range planning and coordination;
- (2) initial discussions and direction on strategic policy initiatives and goals;
- (3) legislative proposals and administrative rules for Board agencies and institutions;
- (4) coordination and communication with the Governor, the Legislature, and all other governmental entities with regard to items of legislation, Board policy and planning initiatives;
- (5) review and revision of Board policies, administrative rules and education-related statutes for consistency and compatibility with the Board's strategic direction;
- (6) reports and recommendations from the Presidents' Council and the Agency Heads' Council;
- (7) other matters as assigned by the Board.

At the direction of the Board President, any matter before the Board may be removed to the Planning, Policy and Governmental Affairs Committee for initial action or consideration.

The Board's Deputy Director, under the direction of the chairperson, prepares the agenda for the Planning, Policy and Governmental Affairs Committee work that is under consideration at each meeting of the Board

2. Instruction, Research and Student Affairs Committee

a. Purpose

The Instruction, Research and Student Affairs Committee is a permanent standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedure concerning instruction, research and student affairs.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

b. Composition

The Instruction, Research and Student Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) member to serve as chairperson and spokesperson of the committee, and the Board's Chief Academic Officer. The Instruction, Research and Student Affairs Committee may appoint a working unit or units, as necessary, to advise the committee. One such working unit shall be the Council on Academic Affairs and Programs (CAAP), which shall be composed of the Board's Chief Academic Officer and the chief academic officers of the institutions and agencies. The chairperson presents all committee and working group recommendations to the Board.

c. Responsibilities and Procedures

The Instruction, Research and Student Affairs Committee is responsible, through its various working unit or units, for making recommendations to the Board in the following general areas:

- (1) agency and institutional instruction, research and student affairs agenda items;
- (2) instruction, academic or professional-technical program approval;
- (3) instruction, academic or professional-technical program review, consolidation, modification, and discontinuance, and course offerings;
- (4) outreach, technology and distant learning impacting programs and their delivery;
- (5) long-range instruction, academic and professional-technical planning;
- (6) registration of postsecondary educational institutions offering programs or courses in Idaho;
- (7) continuing education, professional development, workforce training, programs for at-risk populations, career guidance;
- (8) student organizations' activities and issues; and
- (9) other matters as assigned by the Board.

The Board's Chief Academic Officer, under the direction of the chairperson, prepares the agenda for the Instruction, Research and Student Affairs Committee work that is under consideration at each meeting of the Board.

3. Business Affairs and Human Resources Committee

a. Purpose

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

The Business Affairs and Human Resources Committee is a permanent standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedures concerning business affairs and human resources affairs.

b. Composition

The Business Affairs and Human Resources Committee is composed of two (2) or more members of the Board appointed by the president of the Board, who designates one (1) member to serve as chairperson and spokesperson of the committee, and the Board's Chief Fiscal Officer. The Business Affairs and Human Resources Committee may appoint a working unit or units, as necessary, to advise the committee. One such working unit shall be the Financial Vice Presidents Council, which shall be composed of the Board's Chief Fiscal Officer and the chief financial officers of the institutions and agencies. The chairperson presents all committee recommendations to the Board.

c. Responsibilities and Procedures

The Business Affairs and Human Resources Committee is responsible, through its various working unit or units, for making recommendations to the Board in the following general areas:

- (1) Agency and institutional financial agenda items;
- (2) Coordination and development of guidelines and information for agency and institutional budget requests and operating budgets;
- (3) Long-range fiscal planning;
- (4) Fiscal analysis of the following
 - (a) New and expanded financial programs;
 - (b) Establishment, discontinuance or change in designation of administrative units;
 - (c) Consolidation, relocation, or discontinuance of programs;
 - (d) New facilities and any major modifications to facilities which would result in changes in programs or program capacity; and
- (5) other matters as assigned by the Board.

The Board's Chief Fiscal Officer, under the direction of the chairperson, prepares the agenda for the Business Affairs and Human Resources Committee work that is under consideration at each meeting of the Board

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

4. Audit Committee

a. Purpose

The Audit Committee is a permanent standing advisory committee of the Board, and its members are appointed to assist the Board in fulfilling its fiscal oversight responsibilities. The Audit Committee provides oversight to the organizations under its governance (defined in Idaho State Board of Education, Policies and Procedures, Section I. A.1.) for: financial statement integrity, financial practices, internal control systems, financial management, and standards of conduct.

b. Composition

The Audit Committee members shall be appointed by the Board and shall consist of six or more members. Three members of the Audit Committee shall be current Board members and three members shall be independent non-Board members who are permanent residents of the state of Idaho. No member of the Business Affairs and Human Resources Committee shall serve on the Audit Committee. No employee of an institution, agency, or school under the governance of the Board shall serve on the Audit Committee. Each Audit Committee member shall be independent, free from any relationship that would interfere with the exercise of her or his independent judgment. Audit Committee members shall not be compensated for their service on the committee, and shall not have a financial interest in, or any other conflict of interest with, any entity doing business with the Board, or any institution, agency, or school under the governance of the Board. However, Audit Committee members who are Board members may be compensated for Board service. The Audit Committee may appoint a working unit or units, which could include the chief financial officers of the institutions and financial officers of the Board office.

All members shall have an understanding of the Audit Committee and financial affairs and the ability to exercise independent judgment, and at least one member of the Audit Committee shall have current accounting or related financial management expertise in the following areas:

- 1) an understanding of generally accepted accounting principles, experience in preparing, auditing, analyzing, or evaluating complex financial statements, and;
- 2) the ability to assess the general application of such principles in the accounting for estimates, accruals, and reserves, and;
- 3) experience in preparing or auditing financial statements and;
- 4) an understanding of internal controls.

Appointments shall be for a three-year term. Terms will be staggered such that two members exit and two new members are added each year. The Audit Committee chair shall be appointed by the Board President and shall be a Board member.

c. Responsibilities and Procedures

It is not the Audit Committee's duty to plan or conduct audits or to determine that the institution's financial statements are complete, accurate and in accordance with generally accepted accounting principles. Management is responsible for the preparation, presentation, and integrity of the financial statements and for the appropriateness of the accounting principles and reporting policies used. The following shall be the principal duties and responsibilities of the Audit Committee:

- 1) Approve the appointment, establish the compensation, and evaluate and oversee the work of the independent auditors. The Audit Committee must approve any services prior to being provided by the independent auditor. The independent auditing firm shall report directly to the Audit Committee and the auditor's "engagement letter" shall be addressed to the Audit Committee and the President of each institution. The Audit Committee shall have the authority to engage the Board's legal counsel and other consultants necessary to carry out its duties.
- 2) Discuss with the independent auditors the audit scope, focusing on areas of concern or interest;
- 3) Review the financial statements, adequacy of internal controls and findings with the independent auditor. The independent auditor's "management letter" shall include management responses and be addressed to the Audit Committee and President of the institution.
- 4) Present the financial statements to the Board and provide detail and summary reports as appropriate.
- 5) Oversee standards of conduct (ethical behavior) and conflict of interest policies of the Board and the institutions under its governance including establishment of confidential complaint mechanisms.
- 6) Monitor the integrity of each organization's financial accounting process and systems of internal controls regarding finance, accounting and stewardship of assets;
- 7) Monitor the independence and performance of each organization's independent auditors and internal auditing departments;
- 8) Provide general guidance for developing risk assessment models for all institutions.
- 9) Provide an avenue of communication among the independent auditors, management, the internal audit staff and the Board.
- 10) Maintain audit review responsibilities of institutional affiliates to include but not limited to foundations and booster organizations.
- 11) As a matter of independence, the Audit Committee will not approve policy.

The Audit Committee will meet as needed.

5. Executive Committee

a. Purpose

The Executive Committee is responsible for assisting the full Board in discharging its responsibilities with respect to the management of the business and affairs of the Board and the Board Office when it is

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11 - 13, 2006

impracticable for the full Board to meet and act, to consider matters concerning the Board that may arise from time to time, and to provide appropriate direction to the executive director on any of such matters.

b. Composition

The Executive Committee is composed of the current Board President, Vice President, and Secretary, and the immediate past Board President. The Board's executive director also shall serve on the Executive Committee. The current Board President serves as chairperson of the committee. In the event the past Board President is unable to serve on the Executive Committee, then the Board President may appoint another member of the Board to serve in the place of such former officer.

c. Responsibilities and Procedures

The Executive Committee shall have such duties, responsibilities, and authority as may be delegated from time to time to the Executive Committee by the Board, and in the intervals between meetings of the Board, the Executive Committee shall, in conjunction with the executive director, assist in directing the management of the business and affairs of the Board. However, the Executive Committee may not undertake any action that, pursuant to any applicable law, rule, or policy of the Board, must be performed by another committee of the Board, or which must be acted upon by the whole Board in public session. The Board's executive director, under the direction of the Board President, prepares the agenda for and schedules each meeting of the Executive Committee, which may be conducted telephonically. A written record is not kept of the committee's activities, but it shall be the responsibility of the executive director to promptly communicate to all Board members who are not members of the committee regarding information related to the committee's discussions and activities.

I. Committee Presentations

1. The agenda for each regular meeting of the Board shall be organized using the areas of responsibility provided for in regard to each permanent standing committee of the Board, as described in Subsection H above, with the exception of the Audit Committee.
2. The Board member who is the chair of the permanent standing advisory committee and spokesperson shall lead and facilitate discussion and presentations with regard to agenda items in the area of that committee's responsibility. In the event of an absence or conflict with respect to the committee chairperson, the Board President may designate a substitute Board member or Board officer to lead and facilitate discussions and presentations in a particular area.

J. Presidents' Council

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11 - 13, 2006

1. Purpose

The Presidents' Council convenes prior to each Board meeting to discuss and make recommendations, as necessary, on agenda items scheduled for Board consideration. The Presidents' Council may also choose or be directed by the Board to meet with the Agency Heads' Council for exchanges of information or to discuss projects of benefit to the entire system. The Presidents' Council reports to the Board through the Planning, Policy and Governmental Affairs Committee of the Board.

2. Composition

The Presidents' Council is composed of the presidents of the University of Idaho, Idaho State University, Boise State University, Lewis-Clark State College, Eastern Idaho Technical College; and the presidents of North Idaho College and the College of Southern Idaho; each of whom has one (1) vote. One (1) of the voting members shall serve as chair of the Council, with a new chair elected each academic year, such that the chair will rotate among the respective members. The administrator of the Division of Professional-Technical Education and the Board's Executive Director shall be non-voting members of the council.

3. Duties of the Chair

The chair:

- a. presides at all Presidents' Council meetings with full power to discuss and vote on all matters before the Council;
- b. establishes the Presidents' Council agenda in consultation with the executive director; and
- c. maintains open communications with the Board on agenda matters through the Planning, Policy and Governmental Affairs Committee.

4. The executive director will communicate openly and in a timely manner with the Presidents' Council for discussion and recommendation on agenda items.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

SUBJECT

Idaho Digital Learning Academy: Pending Rule

REFERENCE

Date

April 20, 2006

Approved Proposed Rule

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-5501, Idaho Code, Idaho Digital Learning Academy Act of 2002

BACKGROUND

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDAHO DIGITAL LEARNING ACADEMY) as an online, school-choice learning environment (Title 33 Chapter 55, Idaho Code). IDAHO DIGITAL LEARNING ACADEMY is a state virtual school providing Idaho students with greater access to a diverse assortment of courses and receives an annual appropriation from the Idaho legislature. This virtual school serving grades 7 thru 12 was created to address the educational needs of all Idaho students: traditional, home schooled, at-risk, and gifted learners. Rigorous online curriculum delivered by highly qualified faculty assists the state in preparing Idaho students to meet NCLB requirements, Idaho standards, and the increased demand from colleges and industry.

DISCUSSION

As part of Title 33, Chapter 55, the State Board of Education is directed to promulgate rules for IDAHO DIGITAL LEARNING ACADEMY. The purpose of this session is to review the pending rule in order to be in compliance with Idaho Code Title 33 Chapter 55. The following topics in the legislation are outlined for oversight by the Idaho State Board of Education: 1. Accreditation IC33-5504 (5); 2. Accountability IC33-5507 (3 & 4); 3. Fees out-of-state and adult learners IC33-5505 (3).

The pending rules are being presented without amendment from the proposed rules that were previously approved by the Board

IMPACT

IDAHO DIGITAL LEARNING ACADEMY served 2636 enrollments for 2005-2006 which is a 47% increase over last year. Eighty-eight school districts in the state participated in IDAHO DIGITAL LEARNING ACADEMY during 2005-2006 which represents 78% of the school districts in the state. The number one reason for taking IDAHO DIGITAL LEARNING ACADEMY courses is scheduling conflicts. Other reasons include credit recovery, course not offered, advanced placement, and early graduation. It is projected that IDAHO DIGITAL LEARNING ACADEMY will serve approximately 4000 enrollments for 2006-2007 and courses will be capped due to capacity.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

ATTACHMENTS

Text of pending Rules Governing the Idaho Digital Learning Academy **page 3**
Section 33-5501, Idaho Code, Idaho Digital Learning Academy Act of 2002 **page 7**

BOARD ACTION

A motion to approve the pending Rules Governing the Idaho Digital Learning Academy.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY

000. LEGAL AUTHORITY.

In accordance with Sections 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code.

()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.04.01, "Rules of the Idaho Digital Learning Academy".

()

02. Scope. These rules provide the requirements for the governance and administration of the Idaho Digital Learning Academy's Board of Directors.

()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these Rules.

()

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by the Idaho Administrative Procedure Act, Title 67, Chapter 52 and the Rules of the Attorney General IDAPA.04.01.11.

()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by Reference to these rules.

()

005. OFFICE – OFFICE HOURS –MAILING ADDRESS AND STREET ADDRESS.

The Idaho Digital Learning Academy is located in Boise, Idaho.

()

01. Office Hours. The Idaho Digital Learning Academy's offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays.

()

02. Street Address. The offices of the Idaho Digital Learning Academy are located at 1906 S. Vista Ave., Suite B , Boise, Idaho.

()

03. Mailing Address. The mailing address of the Idaho Digital Learning Academy is 1906 S. Vista Ave., Suite B, Boise, Idaho 83705.

()

04. Telephone Number. The telephone number of the Idaho Digital Learning Academy is 208-342-0207.

()

05. Facsimile. The facsimile number of the Idaho Digital Learning Academy is 208-342-1031.

()

06. Electronic Address. The electronic address of the Idaho Digital Learning Academy is <http://idla.k12.id.us> and email address is idla@idla.k12.id.us.

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

006. PUBLIC RECORDS ACT COMPLIANCE.

The Idaho Digital Learning Academy's records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007 – 009. (RESERVED).

010. DEFINITIONS.

01. Idaho Digital Learning Academy (IDLA). Idaho digital learning academy is defined in Section 33-5505(3) and means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students in grades seven (7) through twelve (12) at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records. ()

02. Acceptable Use Policy (AUP). An Acceptable Use Policy is a policy that governs behavior in a computer or online environment. An Acceptable Use Policy outlines appropriate and inappropriate behavior, including specific examples of inappropriate behavior as well as the consequences of violating the policy. Acceptable use guidelines include, but are not limited to, guidelines pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (either their own or someone else's), disrupting the use of a school network, or importation of sexually explicit, drug-related, and other offensive materials into the course environment. ()

03. Designee. In the absence of the IDLA Director, a representative from the IDLA Board of Directors or an administrative staff member may be appointed by the IDLA Board of Directors to serve as designee. ()

011 – 100. (RESERVED).

101. ACCREDITATION.

IDLA must submit proof of accreditation that meets accreditation standards of the state of Idaho and the northwest accreditation association to the State Board of Education annually. ()

102. ACCOUNTABILITY.

01. Exams. Each IDLA semester course will require the student to take a comprehensive final exam at an approved site under proctored conditions. ()

02. Student Work and Ethical Conduct.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

a. IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in each class syllabus that each student receives prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. ()

b. Acceptable use and behavior in a distance-learning environment is determined by local school district's policies and is covered by the district's AUP signed by the student and the student's parent. The student and parent will agree to abide by an IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. ()

c. In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. ()

d. The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a telephone conference to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the telephone conference. ()

03. Teacher Interaction. IDLA faculty are required to contact students within the first month of class. Contact includes phone, regular mail, email, or other technological means. IDLA faculty are required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district. ()

103. FEES.

The IDLA fee schedule will be provided to the Idaho State Board of Education in the IDLA Annual Report to the State Board of Education. ()

104. – 999. (RESERVED).

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

TITLE 33

EDUCATION

CHAPTER 55

IDAHO DIGITAL LEARNING ACADEMY

33-5501. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Digital Learning Academy Act of 2002."

33-5502. CREATION -- LEGISLATIVE FINDINGS -- GOAL. (1) There is hereby created within the state department of education the Idaho digital learning academy, a school-choice learning environment which joins the best technology with the best instructional practices.

(2) The legislature finds that it is in the best public interest to create the Idaho digital learning academy based on findings that indicate:

(a) Technology continues to impact all facets of life, including the education of students of school age and adult learners;

(b) Systems for delivery of education are as diverse as the learners;

(c) Public school systems are seeking high quality educational choices within the public system, and are aligning curriculum and assessment with state achievement standards; and

(d) The development of a comprehensive digital learning environment is cost prohibitive for individual school districts.

(3) The goal of the digital learning academy is to provide choice, accessibility, flexibility, quality and equity in curricular offerings for secondary students in this state.

33-5503. ACADEMY BOARD OF DIRECTORS. (1) There is hereby created an academy board of directors which shall be responsible for the development and oversight of the Idaho digital learning academy.

(2) The academy board of directors shall be comprised of seven (7) voting members and two (2) nonvoting members as follows:

(a) Three (3) members shall be superintendents, each elected to a three (3) year term and each representing two (2) educational classification regions as established by the state board of education. One (1) superintendent shall be elected from among the superintendents in regions one and two on a rotating term basis between the two (2) regions; one (1) superintendent shall be elected from among the superintendents in regions three and four on a rotating term basis between the two (2) regions; and one (1) superintendent shall be elected from among the superintendents in regions five and six on a rotating term basis between the two (2) regions;

(b) Two (2) members shall be high school principals, each elected to a three (3) year term by the governing body of the Idaho association of secondary school administrators;

(c) Two (2) members shall be citizens at-large who are not professional educators, appointed by the members of the academy board, each to a term of three (3) years; and

(d) Two (2) members shall be ex officio, nonvoting members: (i) the state superintendent of public instruction who shall serve concurrently with the term of office to which the state superintendent is elected, and (ii) a member appointed by the academy board of directors to serve as secretary to the academy board.

(3) For purposes of establishing staggered terms of office, the initial term of office for the superintendent position representing educational classification regions one and two shall be one (1) year, and thereafter shall be three (3) years. The initial term of office for the superintendent position representing educational classification regions three

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

and four shall be two (2) years, and thereafter shall be three (3) years. The superintendent position representing educational classification regions five and six shall be three (3) years. The initial term of office for one (1) high school principal position shall be one (1) year and thereafter shall be three (3) years, and the initial term of office for the other high school principal position shall be two (2) years and thereafter shall be three (3) years. The initial term of office for one (1) member at-large shall be one (1) year and thereafter shall be three (3) years, and the term of office for the other member at-large shall be three (3) years.

(4) No voting member shall serve for more than two (2) consecutive full terms. Members of the board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.

(5) The board shall meet in person at least three (3) times annually; none of these three (3) meetings shall be conducted by telephone or video conferencing.

33-5504. DUTIES OF THE ACADEMY BOARD OF DIRECTORS. The board shall be responsible for ensuring that academy procedures and courses are in compliance with the rules of the state board of education and applicable statutes of the state of Idaho. In addition, the board shall:

(1) Recommend policies to be established by rule of the state board for effecting the purposes of this chapter.

(2) Employ staff as follows:

(a) A director who shall be responsible for staff development, staff evaluation, program development and oversight, and quality assurance;

(b) A curriculum and instruction coordinator who shall be responsible for training faculty in online course design, development and delivery, and shall assist the director in quality assurance;

(c) Clerical staff as necessary to manage student information, maintain student records, manage academy correspondence, and oversee basic financial accounting as directed;

(d) Appropriate technology staff who shall support faculty in understanding and applying the technical aspects of online course development and delivery;

(e) Faculty and teaching staff who are fully certificated Idaho teachers, to design and deliver planned curriculum content. Such staff shall be provided appropriate and sufficient training as necessary. The number of such staff shall largely be dictated by the number of courses under development, the number of courses offered, and the number of students participating in academy programs.

(3) Obtain housing where actual operations of the academy are conducted by academy staff.

(4) Contract with a service provider for delivery of academy courses online which shall be accessible twenty-four (24) hours a day, seven (7) days a week.

(5) Ensure that the academy is accredited by the state of Idaho and the northwest accreditation association.

(6) Develop policy for earning credit in courses based on mastery of the subject, demonstrated competency, and meeting the standards set for each course.

(7) Provide for articulating the content of certain high school courses with college and university courses in order to award both high school and undergraduate college credit.

(8) Develop policies and practices which provide strict application of time limits for completion of courses.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

(9) Develop policies and practices on accountability, both by the student and the teacher, and in accordance with the provisions of section 33-5507, Idaho Code.

(10) Manage the moneys disbursed to the academy board from the superintendent.

(11) Set fees charged to school districts for student participation; fees charged for summer school; and fees charged to students and adults for professional development offerings.

33-5505. DEFINITIONS. As used in this chapter:

(1) "Academy board," also referred to in this chapter as "the board" means the board of directors of the Idaho digital learning academy as such board is created in section 33-5503, Idaho Code.

(2) "Host district" means an Idaho school district where the fiscal operations of the Idaho digital learning academy are housed.

(3) "Idaho digital learning academy" means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students in grades seven (7) through twelve (12) at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records.

(4) "State board" means the Idaho state board of education. The board is authorized and directed, with the advice and recommendation of the academy board of directors, to promulgate rules to implement the provisions of this chapter.

(5) "Superintendent" means the Idaho state superintendent of public instruction.

33-5506. COURSES -- DEVELOPMENT -- BROKERED -- CREDIT -- ACCREDITATION.

Online courses shall reflect state of the art in multimedia-based digital learning. Courses offered shall be of high quality in appearance and presentation, and shall be designed to meet the needs of all students regardless of the student's level of learning.

(1) All courses developed under the auspices of the academy are the property of the academy. Courses may be developed by qualified Idaho teachers who possess the necessary technical background and instructional expertise. Such persons may also be hired to deliver the course online. Nothing shall prevent the board from providing additional training to teachers in the development and online delivery of courses.

(2) At the discretion of the board with consideration for necessity, convenience and cost effectiveness, brokered courses developed by outside sources may be obtained for use by the academy; however, such courses shall be taught online by Idaho teachers unless special circumstances determined by the director require a waiver of this requirement.

(3) Credit earned in courses shall be based on such criteria as mastery of the subject, demonstrated competency, and meeting the standards set for each course, in contrast to credit earned in a traditional classroom based on time spent in the classroom.

(4) All courses shall meet criteria established by the state of Idaho and the northwest accreditation association as necessary for accreditation of the academy.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
October 11-13, 2006

33-5507. REGISTRATION -- ACCOUNTABILITY. (1) A student may register with the academy upon recommendation from a traditional school counselor or administrator, or may register directly with the academy if there is no current public school affiliation. However, in order for coursework completed through the academy to be recorded on the student's transcript, the student shall indicate which secondary school is to receive and record credits earned.

(2) Students who register for courses shall provide the name of a responsible adult who shall be the contact person for the academy in situations which require consultation regarding the student's conduct and performance. A designated responsible adult for students with a school affiliation may be a teacher, a counselor or a distance learning coordinator. For home schooled students, a parent or guardian may be designated.

(3) Policies of accountability as established by rule of the state board shall address the special conditions which exist in an environment where there is reduced face-to-face contact between student and teacher; where students access courses at any time of day, from any location and at the student's own pace; where online etiquette and ethics should be clearly understood and required of all participants; and where all students' participation is monitored by online teachers and academy personnel.

(4) Policies shall be established by rule of the state board for student-related issues including taking exams, proctored or unproctored; ensuring that the work is being done by the student; and ensuring that ethical conduct and proper etiquette are always observed by all participants.

33-5508. FUNDING. (1) Funding for the infrastructure of the program shall be provided from an annual budget request to the legislature from the superintendent of public instruction. The superintendent shall disburse the funds to the Idaho digital learning academy board of directors who shall use the moneys to develop courses and maintain operations of the academy.

(2) Additional funding for course offerings through the Idaho digital learning academy shall be added to the Idaho digital learning academy budget by charging fees to the school districts for student participation. These fees shall be established annually by the Idaho digital learning academy board of directors and shall reflect the various types of course offerings available. Fees for summer school and professional development offerings to students and adults shall also be established by the Idaho digital learning academy board of directors.

33-5509. DIGITAL LEARNING ACADEMY A STATE DEPARTMENT FOR PURPOSES OF RISK MANAGEMENT. For risk management purposes, the Idaho digital learning academy shall be considered a state department for purposes of risk management pursuant to chapter 57, title 67, Idaho Code, and the department of administration shall treat it as such.

BOISE STATE UNIVERSITY – MPC Bowl

SUBJECT

MPC Bowl and Boise State University request operation of a corporate tent village, including the serving of alcohol, during the MPC Bowl game.

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND

Attached is the report from the MPC Bowl regarding the corporate tent village activities from the 2005 MPC Bowl game. This report was requested by the Board and is being presented in conjunction with the request to operate a corporate tent village again for the 2006 game.

DISCUSSION

As noted in the report, the 2005 corporate tent village was a great success. The corporate tent village has become an important part of the annual MPC Bowl event. The tent village was a showcase of interactive technology and included 64 tents.

Most importantly, the Boise City Police Department was present and readily available during the entire event and reported no incidents of underage drinking, serving intoxicated persons, unruly behavior or other violations of law or State Board policy. The event has operated safely and effectively for the last two years and has become a significant benefit to the Bowl game, the University, the community and the state.

The request is to allow the Bowl game to conduct the corporate tent village in compliance with existing State Board of Education policies. Additionally, the MPC Bowl will institute the control measures outlined in the request, to wit:

1. A secured area surrounded by a fence to control access to and from the area.
2. A color-coded wrist band or pass admission system that would identify attendees and invited guests.
3. 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.
4. Two entry points manned by security personnel.
5. Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.
6. Security personnel will not allow patrons to exit the area with alcoholic beverages.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

7. 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 \$3,000,000 and to make sure that the proper permits and licenses are obtained.
8. The area is for sponsors to entertain clients/guests for the fall 2006 MPC Bowl, including the sales and service of alcohol;
9. It is brought back to the Board, after the conclusion of the 2006 game, for reconsideration for 2007.

IMPACT

Since this event has been a major part of the community, it has made a positive impact on the economics of the community. In addition, the University earns commission revenues from the sale of food and beverages provided by Aramark, the University's food service provider. The University will also earn lease revenues from the rental of corporate tents.

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

ATTACHMENT

1. Board Policy I.J – Use of Institutional Facilities and Services with Regard to the Private Sector. page 5
2. Letter form Gary Beck, Executive Direct, MPC Bowl page 11
3. Report from Gary Beck, Executive Director, MPC Bowl regarding the MPC Bowl Corporate Tent Village event that took place on December 28th, 2005. page 12

STAFF COMMENTS AND RECOMMENDATIONS

Staff notes that not all of the conditions associated with the regular home football games have been included as conditions for the MPC Bowl. Those conditions are:

1. Four-hour duration, ending at kick-off;
2. No alcohol making or distributing companies may be allowed to sponsor the activities or tents.

Staff also notes there is no mention of persons under the age of 21 attending the event.

Staff has reviewed the request and finds it to be in compliance with Board policy aside from the items noted above. Should the Board decide they agree with the removal of the above items, staff would recommend approval of the request.

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 2006 MPC Bowl game, subject to the following terms and conditions:

1. A secured area surrounded by a fence to control access to and from the area.
2. A color-coded wrist band or pass admission system that would identify attendees and invited guests.
3. 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.
4. Two entry points manned by security personnel.
5. Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.
6. Security personnel will not allow patrons to exit the area with alcoholic beverages.
7. 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 \$3,000,000 and to make sure that the proper permits and licenses are obtained.
8. The area is for sponsors to entertain clients/guests for the fall 2006 MPC Bowl, including the sales and service of alcohol;
9. It is brought back to the Board, after the conclusion of the 2006 game, for reconsideration for 2007.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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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.
 - (2) 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 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") 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

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

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 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 is 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 therefore.
 - (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.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

- (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 who have received a written invitation to a Permitted Event, and who are of lawful age to consume alcoholic beverages, 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, provided that such individuals may be accompanied by youth for whom they are responsible, but only if such youth are, at all times, under the supervision and control of such individuals. 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

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

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 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 insured's, and the proof of insurance must be in the form a formal endorsement to the policy evidencing the coverage and the required additional insured's.
- (12) 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.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006

(13) 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 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, 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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PLANNING, POLICY & GOVERNMENTAL AFFAIRS

October 11-13, 2006



July 7, 2006

Dear State Board of Education Members:

Please accept this letter as a formal request permitting the MPC Computers Bowl to continue with the Corporate Tent Village event during the Bowl Game at Bronco Stadium for the purpose of providing an area to allow local corporations to entertain clients and guests. The Corporate Tent Village is now entering into its fourth year and it has become the cornerstone of community involvement with the Game. As in past years, the Bowl is planning to construct a corporate tent village which would allow corporations to provide food and beverage (non alcoholic and alcoholic) to their guests during our bowl game. The area will not be open to the general public. To date, the Corporate Tent Village has not had a single incident that violated the Bowl's and State of Idaho's policy on alcohol or unruly behavior. The Bowl will again provide the following control measures:

1. A secured area surrounded by a fence to control access to and from the area.
2. A color coded wrist band admission system that would identify attendees and invited guest.
3. Companies involved in the tent village will be sent a letter outlining the tent village/State of Idaho 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.
4. Two entry points manned by security personnel that will verify age of patrons and issue a different colored wristband signifying the patron is over the legal drinking age.
5. Security personnel located throughout the controlled area will be monitoring the alcohol wristband policy and patron behavior.
6. Security personnel will not allow patrons to exit the area with alcoholic beverages.
7. The date of the event is scheduled for December 31, 2006.
8. Provide a minimum of \$3,000,000 insurance policy that will insure and indemnify the State of Idaho, the State Board of Education and Boise State University.
9. Obtain all necessary permits and licenses required.

Thank you for your consideration. Please feel free to contact me at 208-424-1011 if further details and/or measures need to be identified or implemented.

Sincerely,

Gary Beck Executive Director

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July 7, 2006

Submitted by: Gary Beck, Executive Director

Dear State Board of Education Members:

Please accept this letter as a formal report on the MPC Computers Bowl Corporate Tent Village event that took place on December 28, 2005.

The event took place during the 2005 MPC Computers Bowl in the grass area north of Bronco Stadium. The Village comprised of 64 tents, a large interactive technology pavilion, a live entertainment stage and approximately 7,000 attendees. There were two entrances to the village, one on the East side, the other on the North side of the area just north of Bronco Stadium. The following control measures were in place:

- Each entrance had two types of entrances. One for attendees under 21 and the other for attendees over 21.
- A total of six uniformed security personnel were present at each gate. Two were assigned to the under 21 line which checked for the red color coded wristband that allowed access to the village. The other four were assigned to the over 21 line to check for the red color coded wristband that allowed access to the village and to verify that the attendee was in fact over 21. Once the attendee age was verified over 21, the security personnel attached a green wristband to the attendee signifying they are of legal drinking age. No attendee was issued a wristband without proper identification.
- Security personnel were instructed not to allow alcoholic beverages of any kind to leave the secure area of the Tent Village.
- Companies involved in the tent village were sent a letter outlining the tent village/State of Idaho alcohol policy. The letter stated 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.
- Boise Police Department was present in the Village during the event monitoring wristband policy and general attendee behavior. No incidents of underage drinking or unruly behavior were reported or noted.

In conclusion, the Corporate Tent Village over the past three years has had no incidents of underage drinking or unruly behavior. In fact, the Village has become the cornerstone of community involvement with the Bowl and a great way to display Idaho hospitality to our out of town guests.

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