



**STATE BOARD OF EDUCATION
TRUSTEES OF BOISE STATE UNIVERSITY
TRUSTEES OF IDAHO STATE UNIVERSITY
TRUSTEES OF LEWIS-CLARK STATE COLLEGE
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION
TRUSTEES FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND**

**APPROVED MINUTES
STATE BOARD OF EDUCATION MEETING
700 West State Street
JR Williams Building
East Conference Room
Boise, Idaho
January 14, 2008**

A regular meeting of the State Board of Education was held January 14, 2008 in the East Conference room of the JR Williams Building, at 700 West State Street, Boise, Idaho. Board Vice President Milford Terrell presided.

Milford Terrell, Vice President
Sue Thilo, Secretary
Rod Lewis
Tom Luna, State Superintendent

Paul Agidius, Secretary
Laird Stone
Richard Westerberg

Absent: Blake Hall

Board President Terrell called the meeting to order at 1:00 p.m. MT. He recognized Senator John Goedde, Chair of the Senate Education Committee, and Representative Bob Nonini, Chair of the House Education Committee, in the audience. He also recognized Dr. Claudeen Buettner from the College of Southern Idaho and acknowledged her upcoming retirement.

Board member Stone extended thanks to Dr. Buettner as well for her many years of service and her contributions statewide. He also thanked Board President Terrell for representing the Board of Education with his presentation to the Joint Finance and Appropriation Committee at their morning session.

Board President Terrell acknowledged Clete Edmundson from the Governor's Office and thanked him for his attendance.

OPEN SESSION

STATE BOARD OF EDUCATION REGULAR AGENDA

Board Vice President Terrell introduced the agenda.

M/S (Agidius/Thilo): To accept the agenda as presented. Motion carried unanimously.

1. BSU – Delegated Authority Legislation

M/S (Stone/Luna): To approve Boise State University's request to pursue legislative changes to Idaho Code 67-5710A and 67-5711 as presented. Motion carried unanimously.

Board member Stone presented this item. He suggested that the final draft of the legislation include language related to the Board's statutory authority. Board member Agidius concurred.

Kevin Satterlee from Boise State University pointed out that the Board already has policies and rules in place to affirm the Board's statutory authority in that the Board must approve such contracts before a university president or designee may sign them. He assured the Board that BSU will make sure the language in the legislation complies with the Board's policy.

2. Education Related Legislation

Board member Stone presented this item and noted it was an information item only.

3. HERC One-Time \$75k Grant Program Recommendation

M/S (Thilo/Luna): To approve the finalists of the One-Time \$550k Grant Program at \$75,000 each for a total of \$450,000 as presented. Motion carried unanimously.

4. DRC Contract Amendment

M/S (Stone/Agidius): To approve the draft second amendment to DRC contract as provided starting on page 3 of the agenda materials. Motion carried 5-2 (Luna and Lewis voted nay).

Board member Stone presented this item. Approval of the contract will eliminate 9th grade testing. State Supt. Luna explained that while he appreciates the financial position the Board is in, he intends to vote against approving this item because he views 9th grade testing as a critical requirement.

Board member Lewis expressed concerns about the two-year extension on the contract. He also indicated that a number of concerns had been expressed to him regarding DRC's performance, as well as about problems with the tests themselves. A lengthy discussion followed about the vendor, the contract, and the quality of the tests.

Margo Healy of the Board office came forward to clarify the issue of extending the contract with DRC related to concerns communicated by the educational community regarding the effectiveness of the fall tests. She explained the RFP and the NCLB requirements. The Board's attorney, Jeff Schrader pointed out that the contract includes a variety of termination clauses, including a clause which allows the Board to terminate the contract at its convenience, without cause. State Superintendent Luna noted the clause gives the Board flexibility in terms of the contract.

5. ISU – Reed Gymnasium Complex

M/S (Stone/Thilo): To approve the request by Idaho State University to direct the State Division of Public Works to provide specifications and documents for bidding and awarding of the contract for an addition to the student recreation center located in the Reed Gymnasium complex. Motion carried unanimously.

Board member Stone introduced this item. It was noted that the project had been vetted by the ASISU and it is supported by the student body.

6. UI – Idaho Center for Livestock and Environmental Studies (ICLES)

M/S (Stone/Agidius): To approve the University of Idaho Center for Livestock and Environmental Studies (ICLES) for planning pursuant to Board Policy Section V, Subsection K.; to authorize the University of Idaho to spend up to \$750,000 of appropriated funds for planning; and to authorize the President of the Board to send a letter to the Joint Finance and Appropriation Committee of the Idaho Legislature indicating the Board's approval for planning and requesting release of appropriated funds currently held in the Permanent Building Fund for the ICLES. The University shall continue to work with the Board of Land Commissioners and the Idaho Department of Lands to utilize Agriculture College Endowment assets in the build-out of the facility, and shall report to this Board at each Board meeting on the progress of planning, including an accounting of funds expended to date as well as any specifically identified future expenditures. The University shall return to the Board for further approval prior to commencing construction. Motion carried unanimously.

Board member Stone presented this item and clarified that the request pertains to the planning stage of the project and not the construction phase. Kent Nelson of the University of Idaho noted that the dollar amount in the motion should read \$750,000. The maker of the motion and the second agreed to that correction in the motion. Mr. Nelson explained that the UI brought their request to the Board at this time in order to fit with the timeline of the Joint Finance and Appropriation Committee.

DEPARTMENT OF EDUCATION AGENDA

1. IT Position Funding with ICTL Monies

M/S (Luna/Stone): To approve the use of monies for ICTL for a programmer position in Information Technology. Motion carried unanimously.

State Superintendent Luna presented this item.

2. NCLB Adequate Yearly Progress Sanctions

First Motion/S (Luna/Stone): To approve the Adequate Yearly Progress Accountability Procedures for Idaho Local Education Agencies and Schools.

Substitute M/S (Lewis/Thilo): To approve the Adequate Yearly Accountability Progress Procedures as amended for Idaho Local Education Agencies and Schools.

Board member Lewis clarified that included within the amendments indicated in the motion would be the following language in 3e, under restructuring as set forth in attachment A of the Restructuring Rubric for Idaho Local Education Agencies and Schools: "and include as an amendment to those procedures Attachment A Restructuring Rubric for Idaho Local Education Agencies and Schools."

Amended Substitute M/S (Lewis/Thilo): To approve the Adequate Yearly Progress Accountability Procedures as amended for Idaho Local Education Agencies and Schools. Motion carried unanimously.

Board member Lewis clarified that included within the amendments indicated in the motion would be that which is marked in yellow, in the following language; "to be included after 3e as set forth in the Idaho State Department of Education Restructuring Rubric for Idaho Local Education Agencies and Schools."

Second Motion/S: (Luna/Stone): To approve the restructuring rubric for Idaho Local Education Agencies and Schools. Motion carried unanimously.

State Superintendent Luna introduced Rob Sauer and Nick Smith from the Idaho Department of Education to give background information. Mr. Sauer introduced Marybeth Flachbart and Marcia Beckman to present an overview.

Ms. Flachbart explained that the accountability plan is a requirement. She noted that since 2004, the number of schools not meeting AYP had increased due in large part to the additional accountability requirements of NCLB. She noted that while the 2006 plan allowed schools to get credit for a variety of remediation approaches, more problems are arising now that schools are entering year five of the restructuring effort.

Ms. Beckman discussed the requirements and noted that SDE is in the process of providing more detail regarding restructuring and what the schools must provide. Rob Sauer referred to the Board agenda materials as he explained the restructuring rubric. He reviewed the minimum subgroup indicators and the systemic indicators of the rubric, and clarified which students fall into each subgroup. Mr. Sauer explained how the restructuring rubric would be applied and what the expected outcome would be.

Board member Lewis made a substitute motion to attach the rubric to the AYP manual. However, during discussion SDE staff explained it would be better to reference the rubric rather than attach it to the AYP manual because the rubric is in the testing stage and may need minor adjustments. They pointed out that a number of guidance documents are handled in the same fashion. Board member Lewis amended his substitute motion.

EXECUTIVE SESSION

At this time the Board voted to go into executive session.

M/S (Luna/Stone): To go into executive session pursuant to Idaho Code Section 67-2345(1)(d) and (e) to consider records evidencing attorney-client communications that are exempt from disclosure pursuant to chapter 3, title 9, Idaho Code, and to consider and advise the Board's legal representatives in a matter of probable litigation. A roll call vote was taken; motion carried unanimously.

In executive session, the Board discussed the following: as Regents of the University of Idaho, considered records exempt from disclosure, and communicated with legal counsel to discuss the legal ramifications of and legal options for pending litigation.

M/S (Stone/Westerberg): To go out of Executive Session. Motion carried unanimously.