

1. Agenda Approval

Changes or additions to the agenda

2. Minutes Approval

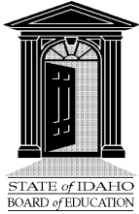
**BOARD ACTION**

**To approve the minutes from the December 4-5, 2008 Regular Board meeting, the December 12, 2008 Special Board meeting, the January 7, 2009 Special Meeting and the January 26, 2009 Legislative meeting as submitted.**

3. Rolling Calendar

**BOARD ACTION**

**To approve January 25, 2009 as the date and Boise, Idaho as the location for the January 2009 Legislative meeting and to approve February 25-26, 2009 and Boise State University as the location for the February 2009 regularly scheduled Board meeting.**



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

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**DRAFT MINUTES  
STATE BOARD OF EDUCATION  
December 4 – 5, 2008  
College of Western Idaho  
5500 E. University Way, Room 116/119  
Nampa, Idaho**

A regular meeting of the State Board of Education was held December 4-5, 2008 at the College of Western Idaho in Nampa, Idaho.

**Present:**

Milford Terrell, President	Paul Agidius, Vice President
Sue Thilo, Secretary	Richard Westerberg
Kenneth Edmunds	Rod Lewis (absent for Executive Session)
Tom Luna, State Superintendent	
Blake Hall (connected by telephone to the Executive Session and a portion of the Regular Meeting)	

**EXECUTIVE SESSION**

The Board met for Executive Session at 3:00 p.m. on Wednesday, December 3, 2008 in the Trout Room of the Hampton Inn, located at 5750 E. Franklin Road in Nampa, Idaho. A roll call of participants was taken. A roll call of members was taken; Board member Hall was present by phone and Board member Rod Lewis was absent.

**M/S (Agidius/Edmunds): To move into Executive Session pursuant to Idaho Code on Wednesday, December 3, 2008 at 3:00 p.m. to consider:**

- (1) A motion to hold an executive session pursuant to Idaho Code Section 67-2345 (c) for the purpose of conducting deliberations regarding acquisition by Lewis-Clark State College of an interest in real property that is currently owned by private parties.**
- (2) A motion to hold an executive pursuant to Idaho Code Section 67-2345 (c) for the purpose of conducting deliberations regarding acquisition by Lewis-Clark State College of an interest in real property that is currently owned by private parties. A roll-call vote was taken, motion passed unanimously**

During Executive Session, the Board discussed and considered as Trustees for Lewis-Clark State College the acquisition by Lewis-Clark State College of an interest in two separate parcels of real property, each of which is currently owned by private parties.

**M/S (Agidius/Luna): To adjourn for the evening. Motion carried unanimously.**

**BOARDWORK**

The Board convened for its regular business meeting at 8:00 a.m. on December 4, 2008. Board President Terrell presided. He noted that Board member Hall would be joining the meeting by telephone later in the morning.

Mr. Terrell thanked President Dennis Griffin of College of Western Idaho for hosting the meeting. He also introduced Dr. Cheryl Schrader from BSU, Dean of the College of Engineering who received the 2008 Hewlett-Packard/Harriett B. Rigas Award by the Institute of Electrical and Electronics Engineers Education Society. The award honors outstanding women who have significantly and positively impacted electrical and computer engineering education through excellence in teaching, encouraging participation of women in the engineering disciplines, demonstrating scholarship in the field and developing new pedagogical systems that enhance learning and industry.

**BOARDWORK**1. Agenda Review and Approval

**M/S (Agidius/Westerberg): To approve the agenda as modified.** Motion carried unanimously.

By unanimous consent the Board agreed to pull item 10 of Section II (Finance) of the Business Affairs and Human Resources.

State Superintendent Luna asked to have discussion of the consent agenda items related to new positions from each institution. **By unanimous consent the Board agreed to Mr. Luna's request.**

2. Minutes Approval

**M/S (Westerberg/Agidius): To approve the minutes from the May 22-23, 2008 Board Retreat, October 9-10, 2008 Regular Board meeting and the November 7, 2008 Special Board meeting, as submitted.** Motion carried unanimously.

3. Rolling Calendar

**M/S (Agidius/Thilo): To approve December 10-11, 2009 as the date and the College of Southern Idaho as the location for the December 2009 regularly scheduled Board meeting.** Motion carried unanimously.

**CONSENT AGENDA –**

Items 1-5 were moved to the regular agenda in order to discuss them in further detail.

**M/S (Agidius/Thilo): To approve item 6 of the Consent agenda.** Motion carried unanimously.

## 6. PPGAC – Alcohol Permits Issued by University Presidents

Information item.

## **PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**

### 1. Presidents' Council Report

President Jerry Beck reported that the Presidents' Council had been working on the common course numbering system used by the institutions. Registrars from the institutions have been made aware that they need to pay attention to Board policy. Dr. Beck noted that a form was created for students wanting to appeal credit transfer decisions. A copy of the form was handed out to Board members. Dr. Beck also reported that discussions regarding what constitutes full-time status at the institutions continue. He indicated that the Presidents' Council had been working with Dr. Rush and the Board office on strategic planning.

President Terrell asked to have the Presidents' Council include the Board's Executive Committee on the agenda of their next scheduled meeting. After discussion about the date of the next meeting, the Presidents' Council agreed to move its January meeting to Education Week.

Board member Thilo asked the Presidents' Council how its discussion on the twelve-credit issue related to the rule that is up for consideration later in the Board agenda. Dr. Kustra reported that the Presidents' Council discussion related to the pricing mechanism. Dr. Vilas asked the Board to be consistent with the federal guidelines related to twelve credits. President Terrell asked to have this topic included on the Presidents' Council January agenda. He also asked Board member Westerberg take part of that meeting.

At this time, Board President Terrell introduced Guy Hurlbutt and Jerry Hess, members of the CWI Board of Trustees. Jerry Hess came forward and thanked the Board for their contribution and support in the founding of the College of Western Idaho.

### 2. College of Western Idaho Report

Dennis Griffin, President of the College of Western Idaho (CWI) presented the report to the Board. He thanked Boise State University for their help in making it possible to host the meeting. He introduced Dr. Victor Watson and Cheryl Wright, members of his executive team at CWI. Mr. Griffin discussed in detail the establishment of the College. He thanked the CWI Board of Trustees for their hard work. Mr. Griffin summarized a number of the things that have taken place during the past fourteen months noting the College had to start from scratch.

Mr. Griffin thanked Dr. Beck and CSI for stepping up to assist CWI. A consultant has been hired to help throughout the transition period with the cost being equally shared by CWI, CSI, and the Division of Professional-Technical Education. Mr. Griffin noted the significant support it has received from BSU including the use of office space along with use of its computer network and phone system for a year. Mr. Griffin thanked Dr. Bob Kustra of BSU in particular for his tireless effort to get a community college established in the Treasure Valley.

In discussing the demand for programs, Mr. Griffin indicated that to date 1,193 students have applied. He noted that CWI's system of bringing students in is complicated due to the CWI/CSI connection which has to be navigated. It is anticipated that in the fall there should be a total of about 3,000 students. In terms of accreditation, Dr. Watson noted that according to the

Northwest accrediting agency, it will take at least five years. However, the College hopes to attain candidate-status in 2010.

Board member Lewis thanked all the people who served diligently and with great effort to get CWI to this point. He noted that the Board of Education played a significant role in this as well. He observed that Board member Blake Hall continued to push the Board in terms of the community college discussion. In addition, Dr. Kustra picked up the ball and pushed it forward. He thanked the CWI Board members for their commitment and ongoing work and involvement.

State Superintendent Luna noted that CWI is an asset to Canyon County. In regards to taking classes into the local high schools, Mr. Griffin noted that those talks are taking place; the local superintendents have been eager to work with CWI. In addition, Mayor Bieter of Boise has also offered the use of public buildings in Boise. Board member Thilo noted that the tremendous jumpstart that CWI has gotten from CSI, agencies, and members of the community will benefit the students.

### 3. Idaho School for the Deaf and Blind

Mary Dunne, Superintendent of the Idaho School for the Deaf and Blind (ISDB) presented her report to the Board. The School is in compliance with the federal disabilities act, with Idaho's quality standards, and with the national agendas for both blind and deaf students.

Ms. Dunne noted that ISDB's vision is "Education, Communication, and Independence for Life." ISDB's strategic plan aligns with the Board's strategic plan, it serves children from birth through age three, along with their families, in their homes and statewide; it serves 825 school-age children and their schools statewide by outreach consultants; and preschool children are educated in ISDB classes housed in their regions throughout the state.

Ms. Dunne reported that ISDB offers classroom learning, expanded core curriculum activities, the cottages, and transition classes on their campus. Work experience settings provide work experience through cooperative relationships. Technology is used in innovative ways to enlarge the community for students and staff while decreasing costs. There are a number of unique program supports, one of which is the Idaho Braille Production Center which produces Braille and Tactile Graphic materials for blind students throughout the state. In addition, audiology services on campus and around the state include evaluations, consultation, training, and loaner amplification devices in order to identify hard-of-hearing children and students earlier.

Campus enrollments as of the end of December have increased. ISDB is looking at other ways of delivering services including networking, advisory councils, evolution of philosophies, and looking at current practices and technologies. ISDB seeks to constantly raise the bar for their staff, their programs, and their services.

NOTE: For the record, Blake Hall joined the meeting at this time by phone.

Board member Thilo thanked Ms. Dunne and her staff for their help and support to the Board in crafting recommendations to move forward with educating the deaf and the blind. She commended Ms. Dunne for the growth in recent months and also for growth over the last year.

Board member Edmunds asked about ISDB and the holdbacks. State Superintendent Luna noted that he has had discussions about the possibility of moving the funding stream for the ISDB into the State Department of Education (SDE) budget so that it qualifies for monies from

the stabilization funds. That change would have to be legislated so it would not be a viable remedy for FY 2009.

Board member Edmunds asked what a 6% holdback would do to ISDB. Jeff Woods, Financial Vice President of the school, indicated they have been going through their budget. They hope to shift some things from the general funds to other funding streams. If they have to decrease staff, it would be in positions where there is the least amount of impact on the students and programs.

#### 4. Idaho State Historical Society – Board Nominations

**M/S (Agidius/Thilo): To approve the reappointment of Jess Walters, District 4 to the Idaho State Historical Society Board of Trustees for a term beginning January 1st, 2009 and ending December 31, 2014.** Motion carried unanimously.

Board President Terrell introduced Jess Walters who was in the audience, and thanked him for his willingness to serve.

**M/S (Agidius/Thilo): To approve the appointment of John R Walker, Jr., District 3, to the Idaho State Historical Society Board of Trustees for a term beginning upon appointment and ending December 31, 2012.** Motion carried unanimously.

#### 5. Eastern Idaho Technical College – Advisory Council Appointments

**M/S (Agidius/Thilo): To approve the appointment of Sylvia Medina to the Eastern Idaho Technical College Advisory Council for a term beginning immediately and ending December 31, 2011.** Motion carried unanimously.

**M/S (Agidius/Thilo): To approve the appointment of Maureen Parks to the Eastern Idaho Technical College Advisory Council for a term beginning immediately and ending December 31, 2011.** Motion carried unanimously.

**M/S (Agidius/Thilo): To approve the reappointment of Terry Butikofer, Michael Clark, and Dr. Mary Girling Eastern Idaho Technical College Advisory Council for a term beginning January 1, 2009 and ending December 31, 2011.** Motion carried unanimously.

#### 6. Board Policy Section I.E. – Executive Officers – First Reading

**M/S (Agidius/Thilo): To approve the first reading of the amendment to Board Policy I.E. -- Executive Officers.**

**Substitute Motion (Lewis/Thilo): To approve the first reading of the amendment to Board Policy I.E. -- Executive Officers with the stated intent of the Board to further modify the language to provide that the at-will policy of the Board supersede any employment contracts terms, and further that the language reflect the desire of the Board to allow for supplemental compensation from 3<sup>rd</sup> parties as long as it is provided through, and controlled by the Board.** Motion carried 7 -1 (Hall voted Nay).

Board member Lewis noted some language issues. He pointed out that the policy relates to Chief Executive Officers (CEO), but takes away the definition of CEO. He raised several questions about added language under (3)c, wondering how a five-year contract and the CEO

being at-will are meant to work with each other. Jeff Schrader, the Board's legal counsel, explained that the CEO being at-will is consistent with the employee serving at the Board's discretion. The policy does make it possible for the Board to set up other terms and conditions of an employment contract and modify those provisions. Mr. Lewis indicated he wanted to be sure that the concept of an agreement doesn't eliminate the at-will power of the Board. Mr. Schrader noted that the employment agreement concept allows the Board some flexibility to modify the at-will concept if the Board so chooses; it doesn't require that the Board do so. He reiterated that the language in this policy would allow the Board to go in whatever direction it might want to take.

Board member Agidius noted that there is nothing that prohibits the Board from entering into a multi-year contract with a clause that allows the Board to terminate the employee at-will, but other terms can be added. Board member Edmunds clarified that the policy retains the at-will approach. Mr. Schrader indicated that when the policy was drafted it was with the intent to give the Board the ability to modify that policy. He emphasized that the Board staff is willing to go in whatever direction the Board members desire.

Board member Lewis supported the idea that the Board retains the at-will relationship. He does want the Board to move forward with the first reading and note the comments related to clarification.

Board member Lewis wondered if the policy, as amended, precludes the Board from providing supplemental or deferred compensation to the contract. Board President Terrell indicated that his intent is for the Board to be able to look at other areas of enticement as a recruiting and retention tool.

Board member Edmunds indicated that the policy restricts what the foundations can do. He wondered if in this time of budget constraints the policy should be eased to allow them to do more. Jeff Schrader noted that this policy was previously amended regarding compensating presidents with state funds. At that time, it was the direction the Board chose to take. He noted that should the Board want to change that, the policy language needs to be adjusted.

Board member Hall indicated that he opposed this modification to policy for two reasons. One, the Board needs to be transparent in the hiring of university presidents so that it is clearly understood that the presidents work for the Board and not for a foundation. In the past, when that was not the case, it caused divided loyalties and accountability issues which resulted in serious consequences for the institutions and the Board. Board member Hall indicated he was also opposed to the Board moving away from the at-will employment policy which this modification purports to allow. He reminded the Board that Board members are appointed and should enter into a contract with individuals that binds future Boards with regard to the employability of university presidents and decreases the accountability of the university presidents to the Board. He encouraged the Board to table this and to send it back to staff for correction so that the Board doesn't violate issues of trust that the public has placed in the Board.

Board member Lewis indicated he agreed with Mr. Hall's comments related to the compensation of university of presidents. Board member Lewis asked about the addition of language related to annual leave, wondering if it is a new policy. Mr. Schrader said that is the current policy for all non-classified employees. It has been inserted in this policy to clarify that policies for non-classified employees do not pertain to university presidents.

President Bob Kustra asked to speak to this item. He noted he came to BSU without a multi-year contract from an institution where he had a multi-year contract. He indicated that if Idaho is going into the public marketplace to compete for candidates, the good candidates will have two or three offers on the table. He suggested that multi-year contracts, for university presidents, are common practice at the national level. As far as foundation support to augment salaries of presidents, he suggested that it is also a common practice nationwide. Dr. Kustra explained that the AGB governing practices guidelines, used by boards, include that practice. He reiterated that good candidates have many offers and will take the best one. He reiterated that not considering both multi-year contracts and also augmented compensation packages presents a great hindrance to Idaho in terms of the kind of candidates it will attract and be able to hire.

Board member Lewis suggested it is important to allow for the possibility to turn to foundations. But, the Board must avoid the abuses of the past so that the Board is the one that is in control of what that compensation is. He suggested that this draft of the policy would allow for that. It deserves further debate as to what the process would be. He agreed that problems would arise if the Board allowed the foundations to develop direct relationships with the presidents related to compensation. He suggested that the policy doesn't preclude that. Board member Edmunds referred to 2.e. and noted that it does seem to prevent that from happening.

Board President Terrell suggested the discussion be sent to committee to go back to staff and rewrite the draft policy so that the concerns expressed can be incorporated. Board member Thilo thanked Board members for the discussion. She suggested the Board move forward with the first reading and make modifications prior to the second reading. She noted that it is important to have some of these changes in place in order to recruit qualified candidates for the current opening at the University of Idaho. She indicated she recognized strong controls would need to be in place, but that it is time to move forward with this. Board member Agidius clarified with legal counsel that the changes that have been recommended during the Board's discussion can be made within the bounds of a first and second reading. Board President Terrell noted that the Executive Committee endorses the concept.

#### 7. Board Policy Section III.P. – Students – Second Reading

**M/S (Agidius/Thilo): To approve the second reading of the amendment to Board Policy III.P.7. -- Definition of a Full-Time Student.** Motion carried unanimously.

Board member Agidius explained that this amendment will align the Board's definition of a full-time student with federal guidelines at twelve hours versus eight. Board member Lewis clarified that this policy has been reviewed a number of times. He noted that there are fiscal consequences of going down this path.

In response to the question about fiscal impact on the institutions, Stacy Pearson from BSU indicated the institutions have looked at this and are in favor of this policy. The fiscal impact to BSU in the coming year, because of the budget reductions as well as the loss of the Seland College, will be there. BSU is supportive nonetheless of this change, with a two-year implementation period. She noted that BSU expects that the part-time rate will go down over time. State Superintendent Luna wondered why the institutions wouldn't wait to adopt this policy until the conditions are better fiscally. Ms. Pearson said that for BSU it would be best if this were delayed until the budget picture of FY 2010 is clearer. She emphasized that she wasn't speaking for the other institutions.

It was noted by legal counsel that it is possible for the Board to add a delayed implementation caveat to the policy before the second reading.



Dr. Jim Fletcher of Idaho State University (ISU) noted that approving this would allow the institutions to move through the system in a more timely fashion. He agreed that there is an implementation time required, but ISU has factored that into their budget planning.

Lloyd Mues of the University of Idaho (UI) echoed that UI sees this as something that needs to go forward. He suggested it is in the collective best interest to do so and noted that BSU is in a unique situation with the transfer of the Selland College and the loss of those students. The other institutions are not in that same predicament.

Chet Herbst of Lewis-Clark State College (LCSC) agreed that this is appropriate action and a way to influence the behaviors of future students. He noted that the Financial Vice Presidents have looked at this very closely and agree it is the right step.

Board member Agidius asked if it is possible to pass this with a deadline that has to be met. Board member Edmunds clarified that the purpose of this is to meet federal guidelines. There was a suggestion to modify the motion to include an embedded implementation date.

Ms. Pearson noted that the policy is fine, but BSU needs time to adjust the part-time rate. She suggested moving ahead with the change in the definition, understanding that the institutions are committed to implementing it and bringing the rates down. The other Financial Vice Presidents indicated they concurred. Board member Westerberg clarified that the motion pertains to the change in full-time credit hours in order to align with federal guidelines.

#### 8. Delegation of Authority – Residency Appeal Determination

**M/S (Agidius/Thilo): To designate the Executive Director as the Board’s representative for reviewing residency determinations and authorizing the Executive Director, after such review, to issue the decision of the Board based on such review. Any such appeal requests to the Board will be submitted to the Chief Academic Officer for review and determination of recommended action, and then forwarded to the Executive Director for a final determination.** Motion carried unanimously.

Board member Lewis asked for clarification and Jeff Schrader explained that Idaho Statute does not set out an appeal right to the Board; rather it sets out the appeal rights of the student to the district court. He noted that the Board’s rule provides that the appeal can be made to the Board or its designee. It doesn’t provide any additional guidance as to who that designee is. He noted that the purpose of this amendment is to clarify who that designee should be.

Dr. Rush indicated that there have been appeals in the past, but they have been dealt with by the Board office in the past. Dana Kelly of the Board staff explained that in previous years, the Chief Academic Officer was the designee of record. In addition the Executive Director heard appeals. She reminded the Board that these appeals have very sensitive information and while it is the Board’s prerogative to hear the appeals, the more privately they are considered, the better.

#### 9. Delegation of Authority – Rural Physicians Incentive Fund Advisory Committee

**M/S (Agidius/Westerberg): To delegate the authority of the Board for the appointment of the Rural Physicians Incentive Fund Oversight Committee to the Board’s Executive Director. Any such appointments by the Executive Director shall be reported to the Board at its next regular scheduled meeting.** Motion carried unanimously.

10. Pending Rule – Docket 08-0203-0805 – Graduation Requirements

**M/S (Agidius/Westerberg): To approve the pending rule, Docket 08-0203-0805, IDAPA 08.02.03.105, Rules Governing Graduation Requirements, as submitted.** Motion carried unanimously.

Dr. Rush noted that two people were in the audience to speak to this issue. Jim Reed, Superintendent of the Weiser School District was introduced. He serves this year as the President of the Idaho School Superintendents Association (ISSA). Mr. Reed explained that superintendents have discussed the readiness of schools to implement the science graduation requirement related to 10<sup>th</sup> grade ISAT testing. He asked that the Board consider a later implementation date beyond 2013 so the schools have time to put the critical elements in place. He discussed the need for a data stream and scaffolding. In addition, current science classes are not integrated and there is a need to restructure and rewrite the science curriculum. He indicated that districts are concerned about Plato software and are not in a position to purchase different software at this time. He noted that in light of the many challenges placed on schools right now, a science ISAT graduation requirement is an additional burden. On behalf of ISSA, Mr. Reed asked the Board to postpone this until science ISATs can be used in grades 8 and 9, science curriculum can be rewritten, and the Board has some agreement in place regarding Plato.

Joe Kelly, Curriculum Director from Meridian School District, discussed issues from the perspective of his position and experiences. He acknowledged the need to improve science and math content and requirements. He pointed out that the simplest part of the process is creating the standards. Mr. Kelly explained how involved and time-consuming implementing new standards are for the district and for schools. Curriculum development and rewrites must be undertaken. That results in major adjustments in instructional practices, followed by exam development to align it all. Meridian has already initiated an effort to align courses and the efforts are ongoing. To this point, Meridian has spent \$2.2 million on this effort. He indicated that none of this takes into consideration the students who have had to be removed from the program for remediation and the cost incurred in doing that. He noted this is the second time the district has had to go through this process. The numerous efforts and cycles of development with every standard overhaul are costly in terms of time and resources. He suggested that the current process does not have adequate data and is a hardship for students going into their junior year who are found lacking. He pointed out that the tests don't provide any way to determine which concepts or content the students need remediation in. He reiterated that additional time to evaluate, adjust, and implement is critical and encouraged the Board to consider that in their decision making.

State Superintendent Luna indicated that he supports this motion to establish the date. He also noted that in the first year of the 10<sup>th</sup> grade science ISAT, over 50% passed. When the bar was raised, over 65% passed. As compared to other disciplines, the numbers are not that far off. And, the gains made were greater than in some of the others. Mr. Luna explained that this is about raising the bar and while it is a hardship on the adults, it is essential for the students. As far as adequate funding, he noted that considerably more funds are going out to districts for remediation, based on the number of students struggling with the ISATs. He pointed out that this graduation requirement is essential.

Board member Edmunds asked for clarification on the 8<sup>th</sup> and 9<sup>th</sup> grade ISATs and the costs. Mr. Luna noted there hasn't been an 8<sup>th</sup> or 9<sup>th</sup> grade science ISAT. Dr. Rush pointed out the

change in the pending rule is from 2012 to 2013. If the pending rule is not passed, then the state falls back to the original date prior to the 2012 temporary rule implementation.

Board member Edmunds clarified with Mr. Luna his desire to implement a 9<sup>th</sup> grade ISAT. Mr. Luna noted that he is under the impression that we test too much, although he is in favor of a 9<sup>th</sup> grade science ISAT. He indicated that what many districts are doing are end-of-course exams and that is something he has discussed with folks. Mr. Reed agreed that they want to raise the bar and no superintendent or teacher wants anything other than that. He reiterated that his point is that the districts are not prepared to remediate another large number of sophomores in two years. That is a harsh lesson they have learned from other ISATs.

11. Pending Rule – Docket 08-0111-0802 – Registration of Postsecondary Educational Institutions and Proprietary Schools

**M/S (Agidius/Thilo): To amend the Temporary Rule and approve the Pending Rule, Docket 08-0111-0802, Registration of Postsecondary Educational Institutions and Proprietary Schools, IDAPA 08.01.11., as submitted.** Motion carried unanimously. (Note: this motion was re-read later in the meeting for clarification.)

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**

**Higher Education**

1. Boise State University/College of Western Idaho Teach Out Memorandum of Understanding

**M/S (Thilo/Agidius): To approve the Teach-Out of PTE certificates and select AAS degrees between Boise State University, the College of Western Idaho, and the College of Southern Idaho, in substantial conformance to the version attached, and to authorize Boise State University to continue to award professional-technical certificates and certain AAS degrees from July 1, 2009 until May 30, 2011 in order to ensure the appropriate degree continuation for eligible Seland College students.** Motion carried unanimously.

2. Formation of a Task Force to Examine Alternative Approaches for Placement of Students into First-Year Courses (English 90, 101, 102)

Board member Thilo briefly presented this information item.

3. South Central Local Operations Committee – Summary Report

Board member Thilo briefly presented this information item.

4. Federal Academic Competitiveness Grant Program – Idaho's Proposal for a Rigorous High School Program of Study

**M/S (Thilo/Westerberg): To retain the Idaho State Board of Education Governing Policies and Procedures Section III.Q., Admissions Standards as the rigorous secondary school program of study for Idaho to meet the requirements for the Academic Competitiveness Grant program.** Motion carried unanimously.

Dana Kelly of the Board staff briefly discussed this item. She noted that there were four programs offered to us by the U.S. Department, however Idaho chose an alternative proposal.

She explained that many of Idaho's college bound students may qualify under Idaho's proposal who wouldn't otherwise qualify. Eligible students receive additional federal funds to be used towards the cost of their postsecondary education. No additional state funds are required for Idaho students to participate. Board member Lewis clarified that there were four programs offered to us by the U.S. Department, however Idaho chose an alternative proposal

5. First Reading – Proposed Amendments to Board Policy III.D. – Official Calendars

**M/S (Thilo/Luna): To approve the first reading of the proposed amendments to Board Policy III.D. Official Calendars as presented.** Motion carried unanimously.

6. Appointment for Council for the Education of Students Who Are Blind/Visually-Impaired and Deaf/Hard-of-Hearing

**M/S (Thilo/Agidius): To appoint the following individuals, listed in Attachment 1, to the Advisory Council for the Education of Students Who Are Blind/Visually-Impaired or Deaf/Hard-of-Hearing.** Motion carried unanimously.

**AUDIT COMMITTEE**

1. Appointment of Committee Members

**M/S (Lewis/Thilo): To approve the appointment of Naomi Shankel to the Audit Committee for a three year term ending December 31, 2012.** Motion carried unanimously.

**M/S (Lewis/Thilo): To approve the appointment of Mark Heil to the Audit Committee for a two year term ending December 31, 2011.** Motion carried unanimously.

At this time, Board member Agidius clarified an earlier motion (item 11 of the Planning, Policy and Governmental Affairs agenda) reading it as it should have read which is as follows: "To amend the Temporary Rule and approve the Pending Rule, Docket 08-0111-0802, Registration of Postsecondary Educational Institutions and Proprietary Schools, IDAPA 08.01.11., as submitted."

**By unanimous consent, the Board agreed to this clarification and asked that it be reflected in the earlier motion.**

**BUSINESS AFFAIRS AND HUMAN RESOURCES**

At this time the Board took up items 1 – 5 of the Consent Agenda for further inquiry. State Superintendent Luna was asked to lead the discussion. Mr. Luna asked that the institutions speak to the impact of budget holdbacks related to the plans of the institutions to fill new positions.

Stacy Pearson of Boise State University said BSU takes the holdback and the request for positions very seriously. She noted that BSU has been strategic in order to protect instruction. These position requests have been well-vetted. Only a few of the positions are funded with state funds. Most of the positions being requested are funded by local funds; some are funded as a result of reorganization. Mr. Luna wanted to know if BSU would ask for an increase in student fees because of the new positions and changes. Ms. Pearson said BSU would not come in for a request for increase for student fees because of these positions. These positions have already

been accounted for because they have been filled by adjunct faculty. Reductions in operations and other measures will be undertaken. Board member Edmunds noted that by December 15 institutions have to notify non-tenured faculty about pending terminations. Ms. Pearson indicated that BSU is not planning to take exigency, but it is looking at every area in terms of reducing the budget. Mr. Luna asked how many vacant position BSU is choosing not to fill at this time. Ms. Pearson indicated that BSU reviews the list every week. She will be glad to give Mr. Luna those figures.

Board member Westerberg indicated that it would be helpful in the future to have the net effect of adding and deleting these positions included in the Board materials.

Jim Fletcher of Idaho State University said ISU operates within an overall plan. Of the positions requested, only one is state funded. In terms of how ISU operates, the University looks at every state funded position with great scrutiny to make sure it is essential to accreditation, instructional necessity, and key to the operation of a function. In terms of advising second year faculty of non-renewal of contracts by December 15, ISU is considering that notification. He noted that central to their plan is protecting core faculty. ISU is not considering exigency.

Lloyd Mues of the University of Idaho indicated that UI is asking for five reactivations. These positions have been vacant for up to twelve months. Cost is neutral on those five. There is no request for exemptions or additional appropriated funds. Student fees will not be used to pay for these positions. UI operates with a position-pause which means it does not fill a vacant position without further consideration of its necessity. Significant dollars savings have resulted to date using this approach. Mr. Mues indicated that the University is looking at the possibility of notifying faculty on December 15 of non-renewal of contracts, but it has not been decided to do so at this time. As far as exigency, UI has a heightened awareness due to the situation, but is not planning on exigency.

Chet Herbst of Lewis-Clark State College reported that its request is for two part-time positions and both are grant funded. In the bigger picture, LCSC is asking to delete 4.6 FTEs. LCSC is not contemplating student fee increases or reductions based on the position changes. LCSC is looking at vacant positions right now to use towards the holdback. They will be cutting back on operating expenses as well. The institution is not considering exigency in FY 2009, but in terms of FY 2010 it is difficult to say at this time without knowing the full impact of reductions and fiscal constraints. LCSC is aware of the timelines for notifying staff by December 15, but at this time there is nothing to report. He noted that notification of staff in different groups would be done with great transparency.

Burton Waite of EITC reported that Eastern Idaho Technical College is asking for a reallocation of positions. It is looking for a new data base system for the College. The positions are essential to that effort. These requests align the skills needed with the implementation of the data base. He noted that these requests will have no effect on what happens with fee increases. As far as financial exigency, that is not on the table at this time. He noted that EITC has been working since last July in anticipation of what has occurred. They have identified how to meet the hold backs without impacting faculty to date.

1. BAHF – Section I – Boise State University – New Positions, Changes to Positions, Deletions of Positions

**M/S (Westerberg/Thilo): To approve the request by Boise State University for ten (10) new positions (10.0 FTE); term, salary, FTE change to one (1) position (1.0 FTE); and deletion of one (1) position (1.0 FTE). Motion carried 7-1 (Hall voted nay).**

2. BAHR – Section I – Idaho State University – New Positions

**M/S (Westerberg/Thilo): To approve the request by Idaho State University for nine (9) new positions (8.55 FTE).** Motion carried 7-1 (Hall voted nay).

3. BAHR – Section I – University of Idaho – New Positions, Reactivations of Positions

**M/S (Westerberg/Thilo): To approve the request by the University of Idaho to establish two (2) new positions and reactivate five (5) positions supported by appropriated funds.** Motion carried 7-1 (Hall voted nay).

4. BAHR – Section I – Lewis-Clark State College – New Positions, Deletions of Positions

**M/S (Westerberg/Thilo): To approve the request by Lewis-Clark State College for two (2) new positions and five (5) deleted positions.** Motion carried 7-1 (Hall voted nay).

5. BAHR – Section I – Eastern Idaho Technical College – Reallocations of Positions

**M/S (Westerberg/Thilo): To approve the request by Eastern Idaho Technical College for the reallocation of two (2) positions (2.0 FTE).** Motion carried 7-1 (Hall voted nay).

**Section I – Human Resources**1. Item pulled from the agenda2. Boise State University – Employment Contract – Director of Athletics

**M/S (Westerberg/Thilo): To approve Boise State University's request to enter into Addendum Three to Employment Contract with Director of Athletics Gene Bleymaier as presented.**

**First Substitute M/S (Lewis/Thilo): To approve Boise State University's request to enter into Addendum Three to Employment Contract with Director of Athletics Gene Bleymaier as presented, with the following modification of the marked copy under tab 2 page 7 where the asterisk is and deleting the words "may be" so that it reads "subject to the approval of the Board of Education."**

**Second Substitute Motion (Luna/\_\_\_): To amend the substitute motion to change bullet point 2 from \$125,000 appropriated funds back to \$106,800 of appropriated funds and leaving number 2, letter b at \$141,115.** (Motion failed for lack of a second.)

**Second Substitute Motion (Agidius/Luna): That the total salary be \$266,115 with no more than \$106,800 coming from state general account.**

**Third Substitute motion (Luna/Lewis): To approve Boise State University's request to enter into Addendum Three to Employment Contract with Director of Athletics Gene Bleymaier as presented with the following modification of the marked copy under tab 2 page 7 where the asterisk is and deleting the words "may be" so that it reads "subject to the approval of the Board of Education." And, also to increase the salary to \$266,115 with \$106,800 coming from state general account funds and the balance coming from the athletic department funds. Motion carried 7-1 (Hall voted nay).**

Board President Terrell noted this was brought before the Board's Athletic Committee which is made up of Ms. Thilo, Mr. Agidius, and Mr. Terrell. They have carefully reviewed it and give it a do-pass recommendation. Board member Lewis asked about increases being approved by the president of the institution rather than by the Board. Kevin Satterlee of BSU noted that this provision allows for increases such as a blanket 3% increase from a pool of funds that would be granted to employees for performance or merit raises. Mr. Satterlee noted that the Board does have policies that limit the amounts that can be granted without Board approval.

Board member Lewis indicated he has discomfort in allowing the president to approve an increase without Board approval. He asked if the Board desired to approve the contract subject to BSU bringing it back after considering that point further. Board President Terrell suggested that the motion be modified to read subject to Board approval rather than president approval. Kevin Satterlee referred to page 2 of tab 7 the second line from the end where it says "may be" so that it reads "subject to approval of the Board of Education". Mr. Lewis indicated that would be agreeable to him.

Board member Hall observed that when other hardworking state employees are not getting salary increases, it doesn't seem right that a salary increase is awarded for athletic performance. Mr. Luna indicated he agreed with Mr. Hall. He doesn't have a problem with increasing the pay out of the athletic department, but not out of state funds. Mr. Satterlee provided information on how much of the salary increase would come from the various sources.

There was discussion about how the motion should read. Mr. Luna explained that this would result in no salary increase from state appropriated funds. Mr. Westerberg suggested that the language say that the amount of appropriated funds stay the same.

### 3. Idaho State University – Employment Contract – Head Women's Soccer Coach

**M/S (Westerberg/Agidius): To approve the request by Idaho State University for a multi-year employment agreement as submitted for Allison Gibson, Head Women's Soccer Coach (1.0 FTE).**

Board member Edmunds asked for clarification. Brad Hall, legal counsel for Idaho State University, noted that this provision regarding termination and rights is typical of multi-year employment contracts for athletics which rules out the at-will concept. Mr. Edmunds wondered why the Board pursues at-will contracts for some folks and not for others. Board member Lewis explained that the Board's insistence for at-will has been specific to executive directors and presidents whereas there are other categories of employees where that hasn't been a focus.

Board member Edmunds indicated that this contract, under 5.2.2., calls for compensation until the person finds other employment. He indicated that the Board had previously discussed different language to be used. Board member Agidius suggested approving the contract with the stipulation that the wording in this provision include the new language.

Kent Nelson of the University of Idaho was invited to share his perspective on the best language based upon his experience with these types of contracts. Mr. Nelson indicated that UI offsets the compensation so that the institution pays a portion if other employment is undertaken at a lesser amount. The Board asked him to work with the Board's legal counsel and ISU to get that language into their contract.

**By unanimous consent, the Board agreed to postpone this item until later in the agenda.**

Note: the final motion appears between items 5 and 6 of the finance agenda.

4. Office of the State Board of Education – Permission for Earning Outside Income by the Executive Director

**M/S (Westerberg/Agidius): To authorize the Executive Director's involvement in other outside activities that have the potential for resulting in supplemental benefits or compensation, and to approve the receipt of any supplemental benefits or compensation derived there from, as specified in the letter to the President as Attachment 1.** Motion carried unanimously.

**Section II – Finance**

1. Amendment to Board Policy – Sections V.I. Real and Personal Property and V.K. Construction Projects – Second Reading

**M/S (Westerberg/Luna): To approve the second reading of the amendment to Board Policy V.I. – Real and Personal Property Services.** Motion carried unanimously.

Board member Westerberg presented this item. He noted this came to the Board previously with increased limits. In this version the limit stays the same.

**M/S (Westerberg/Thilo): To approve the second reading of the amendment to Board Policy V.K. – Construction Projects.** Motion carried unanimously.

2. University of Idaho – Kibbie Dome – Life Safety Improvement Project

**M/S (Westerberg/Agidius): To approve the request by the University of Idaho to implement the Initial Construction Phase for the life safety improvements in the ASUI Kibbie Activity Center, at a cost not to exceed ten million dollars (\$10,000,000), resulting in a total project authorization value up to twelve million dollars (\$12,000,000).** Motion carried unanimously.

Lloyd Mues presented this item. He noted it is not a new issue. UI is asking for permission to move forward with construction on life safety improvements of the Kibbie Dome. He presented more details and gave a status report to the Board.

Board member Lewis indicated that the financing question is critical to consider given the current economic picture. Lloyd Mues explained that UI had anticipated bonding, but right now their credit rating would drop so much UI was advised not to take that route. UI has worked with its bank which agreed to give the University a short-term construction loan. He explained the University's plan in terms of financing to make sure payments can be made.



State Superintendent Luna asked if UI is still comfortable with their financial plan. Mr. Mues said this plan is already in place and will play out in such away without asking for any increase in their plan. Board member Edmunds asked if construction estimates have been determined and if a construction design person has been hired. Mr. Mues noted that last week a construction design person was hired. He also indicated that UI found some efficiencies on the design so that the original early cost estimates have been reduced.

3. University of Idaho – Kibbie Dome – Life Safety Construction Loan

**M/S (Westerberg/Agidius): To approve the request by the University of Idaho for a non-revolving line of credit with a principal amount not to exceed ten million dollars (\$10,000,000) and with a term of 24 months, requiring payments of interest only at an interest rate set at the Wells Fargo Prime less .65%, and to authorize the President of the Board to sign the Authorizing Resolution and to further authorize the Vice President of Finance to execute the Loan Agreement and Promissory Note, all in substantially the same form as attached to the board materials under this agenda item, as well as such other associated documents necessary to carry out the Loan Agreement.** Motion carried unanimously.

Board President Terrell asked how UI will secure the note. Lloyd Mues indicated that UI has already coordinated with Wells Fargo and they have already looked at the draft and are convinced that their risk is fine. Mr. Mues noted that the activity fee is the collateral. Board member Lewis directed Mr. Terrell to the details provided in the Board materials.

4. University of Idaho – Educational Broadcast Service Lease

**M/S (Westerberg/Agidius): To approve the request by the University of Idaho to enter into a lease of its EBS FCC License to Digitalbridge Spectrum Corporation in substantially the same form as the attached lease and to authorize the Financial Vice President to execute all necessary related documents.** Motion carried unanimously.

5. University of Idaho – Research Diary Progress Report

Board member Westerberg introduced Rich Garber and Kent Nelson of the UI to present this item. Handouts were provided to the Board. It was noted this is a report on the concept. UI expects to bring back a full proposal to the Board along with a complete funding package.

At this time, the Board returned to item 3 of the Human Resources Agenda

3. Idaho State University – Employment Contract – Head Women's Soccer Coach

**Amended M/S (Westerberg/Thilo): To approve the request by Idaho State University for a multi-year employment agreement with changes in attached document 5.2.2 as submitted for Allison Gibson, Head Women's Soccer Coach (1.0 FTE).** Motion carried 7-1 (Edmunds voted nay).

**By unanimous consent, the Board agreed to accept the modification of Mr. Westerberg's motion.**

At this time the Board returned to the Finance Agenda, item 6

6. Lewis-Clark State College – Property Purchase – Clearwater Hall

**M/S (Westerberg/Agidius): To approve the request by Lewis-Clark State College to offer \$4.5M to College Town Development Idaho, for the purchase of Clearwater Hall; and, if accepted, to seek financing for the purchase and improvement expenditures through a note secured by student revenues and fees, subject to future Board approval of finance terms.** Motion carried 6-0 (Luna and Lewis absent during the vote).

Board member Edmunds noted the motion didn't allow for a build out and financing costs so LCSC needs permission for an additional \$300,000.

**M/S (Edmunds/): To approve up to an additional \$300,000 for financing and build out costs if necessary.** (Motion failed for lack of a second.)

**M/S (Edmunds/): To amend his motion to read “up to an additional \$100,000 for financing costs”.** (Motion failed for lack of a second.)

Board member Hall asked if it was appropriate to consider additional financing action at this time. Jeff Schrader indicated that the notice about the property transfer was the only thing posted in the Board agenda. Board member Agidius suggested that \$100,000 would be directly related to the purchase of the property and should fall under that notice. After clarifying with LCSC, Board member Westerberg suggested that LCSC bring the details of the financing back to the Board after the offer is accepted; and, that the Board wait until then to consider further action.

7. Lewis-Clark State College – Property Purchase – Parking Lots

**M/S (Westerberg/Thilo): To approve the request by Lewis-Clark State College to purchase the property at 1014 4th St., Lewiston, Idaho, for \$141,000; and to authorize LCSC to acquire fee title to the property by condemnation under the provisions of Idaho Code, should the President of LCSC determine that such action is necessary.** Motion carried unanimously.

Board member Edmunds asked about the language related to condemnation. Board President Terrell indicated this is normal.

8. Lewis-Clark State College – Property Sale – York House Lots

**M/S (Westerberg/Hall): To approve the request by Lewis-Clark State College to sell the properties located at 508 6th Avenue and 512 6th Avenue, Lewiston, Idaho. Sale closing would be subject to Board approval of purchase agreement upon receipt of offers for one or both of the properties.** Motion carried unanimously.

Board President Terrell raised a question about the sale price. Chet Herbst noted that LCSC is selling the properties for appraisal or higher price. There has been interest expressed in both properties.

9. College of Western Idaho – Property Transfer

**M/S (Westerberg/Agidius): To approve the transfer of the 100 acres as described in Exhibit “A” of the Grant Deed and to approve the request by the College of Western Idaho**

**that the State Board of Education enter into and execute the Educational Facility Property Transition Agreement and the Facilities Use Agreement.**

**Substitute M/S (Westerberg/Agidius): To postpone this item until later in December as determined by the President of the Board for reconsideration at a special meeting.** Motion carried unanimously.

Board member Lewis raised a question about access. Board President Terrell noted that he was involved in those discussions. The way the property is split and parceled provide for several entrances that would be available to all entities using the complex. BSU would have availability to all of the entrances and roads and also an easement for signage at specific locations. Board member Agidius indicated that the language in the agreement doesn't reflect such an agreement about easements and Board member Lewis concurred.

Board President Terrell articulated his concerns related to the issue of easements at length. Kevin Satterlee suggested that if the Board is willing, it approve the motion with the understanding that CWI and BSU will work on the language related to the easement and subject to final approval of the Board. Ultimately, this item was postponed to allow the attorneys from CWI and BSU to work on language related to the easement.

Board member Lewis asked about the language on tab 9 page 18 related to the grantor. He asked about the word ancillary and suggested some sort of change to clarify that the services are related to the purposes of the community college.

At this time Board member Hall signed off from the meeting.

#### 10. College and Universities – Approval to Submit Fee Increases in Excess of Ten Percent

This item was pulled from the agenda.

#### 11. Amendment to Board Policy – Section V.W. - Litigation

**M/S (Westerberg/Agidius): To approve the second reading of Board Policy V.W. – Litigation with a revision of the threshold for institution approval increasing to \$50,000 for both initiation and settlement of legal matters.** Motion carried unanimously.

Board member Westerberg presented this item. Board member Agidius indicated this is a good threshold. He noted that the Board would still be advised of all litigation and settlements regardless.

At this time Dr. Kustra of Boise State University acknowledged the role that Dennis Griffin has played in getting the College of Western Idaho established. He also thanked Sona Andrews, Stacy Pearson, and Kevin Satterlee of Boise State University for their leadership and patience. He expressed appreciation to Rod Lewis and Milford Terrell of the Board of Education for their hard work as well. Dr. Kustra presented Mr. Griffin with a framed picture of the CWI campus as an expression of his thanks.

**DEPARTMENT OF EDUCATION**1. Superintendent's Update

Tom Luna updated the Board. He noted that student achievement has increased, but there is more to do. He reported that the number of schools making AYP over the last year doubled, with many of those schools making AYP for the first time. Mr. Luna discussed the contract with Plato and noted that as of today, it has been able to achieve over 90% alignment to the standards.

Mr. Luna discussed the budgets of the Department of Education (SDE) and the Public Schools. He noted that SDE's budget is not exempt from the holdback and it is absorbing the four percent holdback with two percent additional in reserve. SDE has been utilizing a cost-saving approach, as well as reorganizing their office space and saving money there. It has reduced printing costs in addition to added savings through travel and supplies. SDE has not had to let any employees go so far; they will be able to offer the same level of service. Mr. Luna indicated that if there are additional reductions in FY 2010, SDE will continue to make necessary adjustments to deliver good services.

In regards to the School budget, Mr. Luna is concerned that SDE will need to consider other options in addition to tapping into the stabilization fund. He has been in communication with the districts to look immediately at ways to save money now. He anticipates Public Education will be held whole this year, but will likely get less money next year.

2. College of Idaho Program Approval

**M/S/ (Luna/Westerberg): To accept the State Review Team Report, thereby granting program approval of Math, Physical Education, Science (Chemistry and Physics), Visual Arts (Art, Music, and Theatre/Drama) at the College of Idaho.** Motion carried unanimously.

3. Teacher Performance Evaluation Task Force Update

Nick Smith for the Department of Education presented an overview for the Board of the work of the task force. Goals included incorporating multiple measurements of effectiveness and achievement, communicating clearly defined expectations, enhancing and improving student learning, and applying universally no matter the district size or location. The task force adopted Charlotte Danielson's Domains and Components and Idaho Minimum Standards as the minimum standards for teacher evaluation. This is what will be proposed to the Legislature in 2009. The task force is recommending statute and rule changes to require that category one contract teachers be included in the evaluation process. Technical assistance will be provided, including regional trainings on the Danielson Framework. He explained the timeline.

Board member Thilo asked what would prompt a district to seek a waiver. Mr. Smith indicated that the timeline is ambitious and that districts are facing other major institutional changes so may need more time.

Board member Lewis asked about the evaluation of the outputs. Mr. Smith indicated that it can be summed up by how much a teacher helped a student get from point A to point B. A highly effective educator should be able to do that and the Danielson Domains are set up to identify that. Board member Lewis urged Mr. Luna to include a goal to measure progress.

Executive Director Rush suggested it would be helpful to have a state model that could be used. Mr. Luna noted that SDE has designed a framework that the districts can use.

#### 4. Dual Credit Task Force Update

Jason Hancock presented a report on the Dual Credit Task Force. He noted that the taskforce was charged to study and develop a plan for implementing concurrent secondary/postsecondary courses offered to qualifying eleventh-grade and twelfth-grade students in Idaho's public high schools. In addition, the task force was to develop a statewide unified plan for delivering concurrent college credit coursework to high school students. The task force recommendations include having the state help pay the credit fees for students so that classes are more affordable and accessible to the general population. A reporting and payment structure would be put into place so that SDE could pay those fees directly to the postsecondary institutions. The funds for this would come out of the Public Education budget. It is anticipated that the Dual Credit Task Force will finalize their work in December and make recommendations to the Governor and the Idaho Legislature in 2009. Mr. Hancock acknowledged that the budget cuts could impact the extent of what can be approved in FY 2010.

Board member Agidius raised a point about the possibility some districts have suggested that the postsecondary institutions give them a portion of any money they collect for offering dual enrollment courses. He suggested that serious issues could result if that is the case. Mr. Luna indicated that he is not aware of that situation happening, but would look into it further.

#### 5. Math Initiative Update

Cindy Johnstone presented an update to the Board. Idaho's Math Initiative aims to improve student understanding and performance in mathematics and elevate public awareness of its importance. The Math Initiative has three focus areas: student achievement, teacher education, and public awareness. Ms. Johnstone discussed these areas in more detail to bring the Board up-to-date on the status of the Math Initiative. Mr. Luna indicated that the number of students using the live tutor capabilities is expected to increase next semester.

#### 6. Middle School Task Force Update

Rob Sauer presented the Middle School Task Force report to the Board. He noted that the purpose of the task force includes: improving rigor, relevance, relationships and responsibility in the middle grades; identifying pockets of success; and, ensuring that every student is prepared to be successful in high school. Mr. Sauer pointed out that the main focus of the task force recommendations is on student responsibility. Related to that, the task force will recommend the implementation of a credit system no later than the 7<sup>th</sup> grade. The task force recommends having a systematic approach for student transition from middle to high school. Interventions must also be in place to help students who are failing. Professional development for teachers is important so that they can connect more rigorous curriculum to teaching. It is recommended that certification and/or endorsement be in place at the middle school level. He noted that it has been demonstrated that an adult advocate for every student contributes to a student's chances for success. The Middle School Task Force will finalize their work by fall of 2008 and make recommendations to the Idaho Legislature, the Board, SDE, and school districts by January 2009.

Board member Lewis raised concerns about whether these recommendations actually increase rigor in the middle grades. Mr. Luna explained that the focus is rigor, relevance, and relationships. The current rigor continues to be raised. But, getting students to be more

responsive and accountable with the current rigor is also an issue that needs to be addressed because so many of them don't take it seriously. Mr. Sauer noted that this effort includes getting the students engaged and gives them a starting point. Board member Thilo suggested this helps to change the focus and the culture of middle school mindset. The rigor is important and this is a building block to get to it. It puts a structure in place.

#### 7. Rural Education Initiative Update

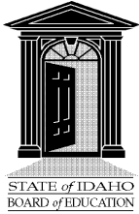
Nick Smith presented this report to the Board. He briefly discussed the desired outcomes which include increasing the number of highly qualified teachers in rural districts, improving retention of highly qualified teachers, closing the technology gap between rural and urban schools, and establishing a way for rural districts to improve their facilities. Mr. Smith noted that the task force has been meeting for two years. This past year the task force focused on topics related to rural education including: four-day school weeks, defining what rural means in Idaho, transportation funding, school district consolidation, supplemental levies, facilities, student loan forgiveness, and teacher recruitment. Some of the solutions the task force discussed include establishing a statewide education network to connect all schools to high speed internet, establishing regional co-ops to provide needed services to the districts, and making it possible for districts to have more flexibility in hiring teachers. The Public School budget for FY 2010 includes a number of recommendations related to rural education needs. The recent budget cuts will obviously impact what kind of funding will actually be available. On an added note, Mr. Smith noted that the results of the four-day school week study were inconclusive as to whether or not a four-day school week has a positive or negative impact on student achievement. School attendance usually improves and while there are cost savings, they are not as substantial as one might expect.

#### 8. Safe and Secure Schools Initiative Update

Matt McCarter updated the Board on the Safe and Secure Schools Initiative update. He noted that districts feel overwhelmed in tackling the implementation of an emergency operation planning guide for their schools. The Department has worked to ascertain safety and security gaps with an assessment. One of the areas of assessment is how well, if at all, a school is able to control who comes onto its campus. Findings are that 85% of Idaho's schools are partially or fully inadequate in the safety and security they provide. To address these issues, federal money has been pursued along with some other approaches in order to shore up the gap. Emergency Operations Planning is one of those approaches. Related to that, a template has been designed and SDE is now going throughout the state to do specialized training. The training course includes a guide that is on the Internet. The Bureau of Homeland Security has been involved as well as other emergency operation agencies such as FEMA. SDE has also designed a guide to school safety equipment with the intent that school administrators can make more informed purchases. The planning guide has eight steps and within each one are forms and very streamlined information.

#### **OTHER BUSINESS**

**M/S (Agidius/Westerberg): To adjourn the meeting at 6:06 p.m.** Motion carried unanimously.



**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**

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**DRAFT MINUTES  
STATE BOARD OF EDUCATION SPECIAL MEETING  
December 12, 2008  
Len B. Jordan Bldg., Room 307  
Boise, Idaho**

A special teleconference meeting of the State Board of Education was held December 12, 2008 beginning at 3:08 p.m. It originated from the Len B. Jordan Building, 650 W. State Street, Boise, Idaho. A roll-call of members was taken.

**Present:**

Milford Terrell, President

Paul Agidius, Vice President (by phone)

Richard Westerberg (by phone)

Kenneth Edmunds (by phone)

Sue Thilo (by phone)

**Absent:**

Blake Hall

Rod Lewis

Tom Luna

Board President Terrell introduced the agenda.

**BUSINESS AFFAIRS and HUMAN RESOURCES – Finance Agenda**

**1. College of Western Idaho – Property Transfer**

**M/S (Agidius/Edmunds): To approve the transfer of the 100 acres as described in Exhibit “A” of the Grant Deed and to approve the request by the College of Western Idaho that the State Board of Education enter into and execute the Educational Facility Property Transition Agreement and the Facilities Use Agreement.** Motion carried unanimously.

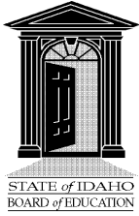
Kevin Satterlee, legal counsel for Boise State College, was present by phone. Dennis Griffin, President of the College of Western Idaho, was present in person along with Mark Dunham of the College of Western Idaho Board. Board President Terrell asked for clarification related to the motion. Jeff Schrader, legal counsel for the Board of Education, indicated that the motion covered the entire agreement including all of the exhibits. No other questions were raised.

Mark Dunham expressed his appreciation to the State Board of Education and their staff for their work and the cooperative spirit in moving this forward. Dennis Griffin of CWI also thanked everyone involved for making the start-up of the new college a success.

**OTHER BUSINESS**

**M/S (Thilo/Agidius): To adjourn the meeting at 3:20 p.m.** Motion carried unanimously.





**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**

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**DRAFT OF MINUTES**  
**STATE BOARD OF EDUCATION SPECIAL MEETING**  
**January 7, 2009**  
**Len B. Jordan Bldg., Room 307**  
**Boise, Idaho**

A special teleconference meeting of the State Board of Education was held on January 7, 2009. It originated from the Len B. Jordan Building, 650 W. State Street, Boise, Idaho. A roll-call of members was taken.

**Present:**

Milford Terrell, President

Paul Agidius, Vice President (by phone)

Rod Lewis

Sue Thilo, Secretary

Blake Hall (by phone)

Richard Westerberg (by phone)

Kenneth Edmunds (by phone)

Tom Luna, State Superintendent (by phone)

**EXECUTIVE SESSION**

**M/S (Thilo/Agidius): To move into Executive Session pursuant to Idaho Code on Wednesday, January 7, 2009 at 4:15 pm to discuss the following:**

1. Boise State University  
Pursuant to Idaho Code Section 67-2345 (f) to communicate with legal counsel and discuss the legal ramifications of and legal options for pending litigation.

EXECUTIVE SESSION ITEMS MAY BE DISCUSSED AND ACTED UPON, IF APPROPRIATE, IN OPEN SESSION.

**OPEN SESSION: January 7, 2009 at 4:38 pm**

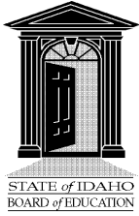
1. Boise State University – Settlement Agreement

**M/S (Thilo/Lewis) Pursuant to Idaho Code Section 67-2345(s) (f) to accept the settlement in the lawsuit between Boise State University and Marsha Palmer.**

A roll-call of members was taken. By unanimous consent the Board approved the motion.

**OTHER BUSINESS:**

**M/S (Thilo/Lewis) To adjourn the meeting at 4:48 PM.** Motion carried unanimously.



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

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**DRAFT MINUTES  
STATE BOARD OF EDUCATION  
January 26, 2009  
J.R. Williams Building, East Conference Room  
700 W. State Street  
Boise, Idaho**

A regular meeting of the State Board of Education was held January 26, 2009 in Boise, Idaho in the East Conference Room of the J.R. Williams Building, 700 West State Street.

**Present:**

Milford Terrell, President  
Sue Thilo, Secretary  
Kenneth Edmunds  
Blake Hall

Paul Agidius, Vice President  
Richard Westerberg  
Rod Lewis  
Tom Luna, State Superintendent

The Board convened at 9:10 a.m. with President Milford Terrell presiding. He recognized Representative Gibbs from the House Education Committee who was in the audience.

**1. Agenda**

**M/S (Lewis/Edmunds): To accept the agenda as presented with the exception of item 2 of Section I of the Business Affairs and Human Resources agenda, which has been pulled.**  
Motion carried unanimously.

Board President Terrell took time to recognize the colleges and universities for their good work this year. He noted that Idaho State University has a record enrollment this year and Boise State University has awarded \$25,000 in scholarships to high school students to help pay for concurrent classes this year.

**AUDIT COMMITTEE**

**1. Presentation of Annual Financial Audit of the Colleges and Universities**

**M/S (Lewis/Thilo): To accept from the Audit Committee the Fiscal Year 2008 financial audit reports for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College, as presented by Moss Adams, LLP.** Motion carried unanimously.

Board member Lewis presented this item. He introduced Mary Case and Scott Simpson of Moss Adams, LLP to give a report on the audit.

Mary Case summarized the process undertaken by Moss Adams, LLP in conducting the audit of the institutions. She indicated that they had found clean financial statements for all of the institutions this year. There was a delay in finalizing the report due to a change in the reporting methods used by the Idaho State University foundation. Ms. Case reported that Moss Adams, LLP had met with the Board's audit committee last week to go over everything in detail.

Scott Simpson reviewed the internal controls and findings for the Board. A handout was provided to the Board members with the details of the report. Mr. Simpson clarified that a materiality threshold was met in conducting the audit to make sure the financial statements were presented in accordance with general accounting principles.

Mr. Simpson discussed the required communications with the Audit Committee. He noted that it is each institution's responsibility to prepare the financial statements and be sure they are complete. If there are any audit adjustments, Moss Adams, LLP is required to report those. If there are any disagreements with management, those are reported to the Board. Any consultations with other accountants, on the part of the institutions, are required to be reported by Moss Adams, LLP. All the audits went smoothly this year.

Mary Case noted that this past year, there was a suite of standards imposed on the audit board that were greater than before. As a result, the institutions were required to document their internal controls. She commended the institutions for their cooperation.

Board member Lewis thanked Moss Adams, LLP for their presentation. He followed up by reporting on the work of the Board's Audit Committee. The Audit Committee is making good progress and its professional members are highly qualified for the assignment. The Audit Committee would like to have the internal auditors of the institutions report to the Audit Committee on a regular basis in order to have a current grasp of the details and be able to address concerns sooner. The Audit Committee wants to improve the coordination between the foundations and the Board so it's considering having the foundation auditors also report to the Audit Committee. The Audit Committee is concerned about the timing of the financial statements so, as a result, is considering asking for quarterly reports from the institutions. Mr. Lewis indicated that the State Controller's Office is requesting all information be provided to them under one standard. As a result, the Board has requested that the foundations and institutions provide the Board all of their information according to the State Controllers request.

Board member Lewis pointed out that the primary function of the Audit Committee is to look at quality controls, procedures, etc. He noted that the Board's Business Affairs and Human Resources (BAHR) Committee has the responsibility to review the institutions' financial statements. The Audit Committee believes it is important that it has access to that information as well, so it will begin to meet on a quarterly basis with BAHR in order to review the financial statements and have open discussions as a Board.

Mr. Lewis indicated the Audit Committee will request the institutional Finance Vice Presidents bring the Board updates as to how they have, and will continue to handle their responses to the audit findings. Board member Edmunds noted that it is essential to have more timely information from the institutions in order to address issues on a timely basis.

Board member Edmunds asked Moss Adams, LLP if the Board is where it needs to be with the foundations. Mary Case indicated that the Board is going in the right direction and continuing in

that direction is prudent. He asked about the segregation of duties between the foundations and the institutions. Ms. Case indicated that there is a level of cross over taking place between the University of Idaho and its foundation which needs to be addressed. She noted that there is cross over between Idaho State University and its foundation as well, but the accounts are segregated so it's not the same concern. This is the same at Boise State University. Mr. Edmunds asked if the Board needs to do more and if the foundation agreements are adequate. Ms. Case said the Board has more work to do in that area. Ms. Case commended the Board for strengthening the Audit Committee to the degree it has over the past few years. It is a strong committee and a good example to the institutions.

At this time, Board President Terrell took time to commend Lewis-Clark State College Baseball Coach Ed Cheff who was named the winner of the American Baseball Coaches' Association's 2009 Lefty Gomez Award for his lifetime contributions to amateur baseball. Coach Cheff received the award at the ABCA's annual convention awards dinner held on January 3, 2009. Mr. Terrell reported that Coach Cheff also received the ABCA's NAIA Region I Coach of the Year award for 2008.

Board President Terrell also acknowledged Wayne Hammond and Joyce McRoberts from the Governor's Office.

## **PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**

### 1. Medical Education Study – Findings and Recommendations

**By unanimous consent, the Board agreed to delay item one until later in the agenda. It was so moved.**

### 2. Governor's Office Education Related Legislation

**M/S (Hall/Agidius): To support the Governor's proposed Education Reorganization Legislation and to direct the Executive Director to work with the Governor's staff to make any additional revisions as necessary.** Motion carried unanimously.

Board member Hall presented this item. An update of the Governor's Education Reorganization Package was provided by Wayne Hammond. During discussion of the various items, it was indicated that Board members should work with Executive Director Mike Rush and provide comments to him to finalize the wording of the legislation.

Board member Lewis noted that he is in agreement with the direction being taken. He went on to refer to a couple of items so that the Board staff would be familiar with his concerns. One had to do with school district boundaries (SB 1010) and the remaining references to the SBOE. He suggested that it would be helpful to make sure that gets reviewed.

Mr. Lewis asked about the changes with respect to the proprietary schools (SB 1012). Executive Director Rush provided detail. He pointed out that since proprietary schools are not accredited, they have not gone through the rigorous controls that accredited institutions have. Therefore, the legislation has more stringent requirements for the registration of proprietary schools.

Mr. Lewis asked about the legislation to transfer Motorcycle Training to Idaho State University. Dr. Rush provided an explanation. Board member Hall asked Dr. Rush to look at this piece of

legislation and determine if the Division of Professional-Technical Education is the appropriate agency to take this program.

Board member Agidius asked if the Board office will have enough staff to handle the responsibilities they are charged with. Dr. Rush indicated that while all of the Board office staff have heavy workloads, these moves will not impact the Board office staff.

Board member Westerberg asked about the financial and staffing impact of these moves. Wayne Hammond indicated that information is available and that he would provide a handout to the Board.

Board member Lewis discussed the transfer of assessment and wondered if there would be funding for a person in the Board office to handle the duties related to accountability. Wayne Hammond indicated that the Governor's budget does provide for an FTE and funds to remain at the Board office for this responsibility.

State Superintendent Luna noted that several editorials in the newspaper have suggested that these changes are politically motivated. He urged people to understand that these changes will allow programs to run better and be more efficient. Mr. Hammond agreed that this reorganization is intended to put responsibilities in a place where they best fit and can be effectively run.

#### Eastern Idaho Technical College Screening Committee Update

**M/S (Hall/Westerberg): To accept the recommendation of the Eastern Idaho Technical College screening committee to appoint Burton Waite as the President, at an annual salary of \$115,000 and a car allowance of \$7,200 annually, effective immediately. Motion carried unanimously.**

At this time Board member Hall reported on the results of the screening committee process for a new President of Eastern Idaho Technical College. He indicated that Mr. Burton Waite had been selected and introduced Mr. Waite to the audience. Mr. Hall noted that this item was posted to the Board agenda last week. Board President Terrell congratulated Mr. Waite on his appointment.

#### 3. Additional Legislative Items

##### Item C – Optional Retirement Plan – Deferred Compensation

**M/S (Hall/Agidius): To authorize Board staff to continue work on legislation allowing for the establishment of a deferred compensation plan for certain employees of Idaho's public postsecondary institutions, and to approve the draft legislation submitted, pending further review on the question of whether specific legislation authorizing such deferred compensation plans is necessary. The Executive Director may make revisions as necessary to comply with applicable tax laws. Board staff will continue to coordinate with the Governor's legislative process with respect to this legislation. Motion carried unanimously.**

Item D – Concurrent Resolution – Research Dairy

**M/S (Hall/Agidius):** To authorize the University of Idaho to submit a concurrent resolution to authorize the Building Authority to work with and enter into contract with the University of Idaho, either for itself or in conjunction with the Department of Agriculture and the Land Board, for financing and development of the Research Dairy Project as long as such contracting to be done is in compliance with the policies of the State Board of Education and that neither the Building Authority nor the University of Idaho move beyond the approved planning phase without any such agreements being approved by the State Board of Education.

**Substitute M/S (Hall/Westerberg):** To postpone Item D until the February meeting. Motion carried unanimously.

Board member Hall asked for discussion of Item D – Concurrent Resolution – Research Dairy, to clarify where the funds for the project will come from. Lloyd Mues of the University of Idaho responded to the Board's inquiries. After lengthy discussion, the Board agreed to postpone this item until the February meeting when University of Idaho staff can be present to give additional details and explanation. Board member Edmunds clarified that the University of Idaho already has the Board's permission to engage in planning efforts.

At this time the Board took up item one of the PPGAC agenda.

1. Medical Education Study – Findings and Recommendations

**M/S (Hall/Westerberg):** To approve the Report of Findings and Recommendations of the State Board of Education Medical Education Study Committee contained in Attachment 1, and to direct that the Report be forwarded to the Governor and the Legislature.

**Substitute M/S (Edmunds/Thilo):** Move to delete recommendation number 5 from Attachment 1 and renumber items 6-11 to read items 5-10. And, in doing so, to approve the Report of Findings and Recommendations of the State Board of Education Medical Education Study Committee contained in Attachment 1, and to direct that the Report be forwarded to the Governor and the Legislature. A roll call vote was taken; motion passed 6-2 (Hall and Westerberg voted Nay).

Board member Hall introduced this item and summarized the work that had been done. Mike Killworth of the Board office provided additional details. He distributed handouts to the Board for their information. Mr. Killworth pointed out that the Board's committee was different from two other committees conducting reviews of medical education in Idaho. He noted that the other two committees were the Governor's Select Committee for Healthcare and the Legislative Interim Committee for Medical Education.

Mr. Killworth discussed the work and the goals of the committee. He noted that key staff persons for the Legislative and the Governor's committees were invited, and did attend the Board's committee meetings. Mr. Killworth reported on the committee's findings and recommendations. It was noted that the recommendations provided in the Board agenda included a recommendation (#5) that was not developed by the Board's committee, but added afterwards at the request of a committee member. It is the same recommendation proposed by the Legislative Medical Education Committee.

Board member Thilo thanked Mr. Killworth for his strong staff support to the Board committee. She also thanked Matt Freeman of the Legislative Services Office for providing continuity between the committees. Ms. Thilo pointed out that she served on the Board committee and also the Legislative Interim Committee which was helpful and meaningful. Ms. Thilo noted that the Board committee benefited from the inclusion of the two family practice doctors who joined them at the table. She explained that a great deal of research was available to support the Board committee's findings. Ms. Thilo expressed serious concern about altering the original recommendations of the Board's Committee which were straightforward, across-the-board, and transparent. She cautioned the Board, as they look at the amended recommendations, to be aware that the Board's committee was very much in support of a collaborative approach incorporating the best practices and best minds available as opposed to expending resources for individual programs. The Board's committee was concerned that if the approach became competitive or regionally motivated, it would create conflict and division. These are the things the Board committee wants to avoid.

Board member Westerberg noted that he viewed the recommendation in question as an opportunity for the Board to look at models and business plans without having to fund them. He indicated that he didn't believe there would be conflict as a result.

Board member Hall agreed that there was no intention to create a competitive situation. Rather it is an attempt to solicit information and identify the information that is being solicited. He suggested this is a useful approach and process. It is not politically motivated. Mr. Hall noted that the Legislature's and the Governor's committees both agreed this approach should be part of the process. Mr. Hall noted that recommendations do state that the Board will oversee and provide approval.

Board member Lewis noted that the report from the Board's committee refers repeatedly to comments from a number of different entities that point to a desire for a collaborative approach from all stakeholders. The original recommendations put forward by the Board are based on the Board committee's findings. He noted that the Board committee's findings and recommendations were a result of a great deal of research, homework, and investigation being done by its members. He pointed out that it is logical to assume that the Legislature's and the Governor's committees would arrive at different recommendations than the Board's committee just as a matter of course. He recommended that the Board respect the work of its committee.

Board member Hall argued for retaining item five as put forward by the Legislative committee. Board President Terrell emphasized that the Board's committee had spent sufficient and thorough time in deliberating all the findings and facts pertaining to each recommendation. Board member Thilo reiterated that the committee met a number of times before coming to any conclusions. In addition, a number of documents and materials were provided to the committee as research. She noted that a good deal of time was spent prior to deciding on the final set of recommendations.

Board member Lewis emphasized that there are different sets of policy makers and each set is tasked to come up with findings and a view. The outcome of the Board's work is what is being discussed today. It is not the Board's intent to speak against the findings of other groups.

Board member Westerberg suggested that there is no downside to leaving item 5 in as is. It allows for validated information being put together for the Board's benefit without cost to the Board. Board member Edmunds suggested that any planning effort uses the time and talent of state paid employees at the institutions so there is a cost.

Board member Edmunds put forward a substitute motion to stay with the original recommendations made by the Board's Committee.

At this time the Board returned to item 3 of the Planning, Policy, and Governmental Affairs (PPGAC) agenda in order to allow further discussion of the additional legislative issues. Board member Thilo indicated that she is pleased to see the Residency Determination for Tuition Purposes back on the legislative docket. She urged that Legislature develop language that will correct unintended consequences.

Referring to page 7 of item 3 of the PPGAC agenda, Board member Lewis asked for clarification of the meaning of "second degree" in the language under point number eight. Board member Hall indicated that it is a legal term defined in probate code. Board member Lewis raised a question about taking the prohibition that far. Board member Hall suggested that Board members look at that definition in the probate code for their own understanding. It was questioned whether this language would prevent the Board from making its own determination in Board policy as to what it can require of the institutions.

#### 4. 2010-2014 Strategic Plan Direction

Board member Hall introduced this item. He noted that the intent at this point is to make the Board aware of the staff efforts under way to assist the Board with its strategic planning efforts. Dr. Rush provided background information. He noted that the original strategic planning process occurred too late in the year to fit with the Board's planning calendar. An attempt has been made to change that. The next step is to give the Board a preview prior to February when this will come before the Board.

Board member Hall indicated that the Board requires the institutions to provide the Board with their five-year plan. He suggested that there needs to be a better understanding between the Board and the institutions just what those five-year plans entail or are to be used for. He asked the Board, as they go through the strategic planning process, to be mindful of the need to clarify that point.

Board member Edmunds expressed concern that there is too much competition in the state for limited dollars. He suggested exploring that issue more fully as part of the strategic plan. He would like to better understand the role of the Board in regards to K-12.

Board member Westerberg pointed out that the mission and vision statements are quite a bit different than in the past. He urged the Board members to speak up if they have issues because when the strategic plan is finished it will be more concrete in terms of performance measures.

The question arose as to whether enough time has been given to overhauling the Board's strategic plan. Board President Terrell agreed that more time needs to be spent on the plan to be sure it fits with what the Governor has directed the Board to do in terms of reorganization. A meeting will be arranged prior to the February meeting to continue the work of strategic planning.

President Vailas of Idaho State University was invited to speak. He agreed that the institution's plans should align with the Board's plan. He suggested that there needs to be clarification regarding the role of the Board's plan in terms of the economic development goals of the state. In addition, it needs to be determined if the time spent by the institutions in creating their plans is a good use of resources. Board President Terrell directed staff to go back to see what the Board has already approved from the institution plans.



5. University of Idaho – Student Housing Report

Lloyd Mues discussed this item for the Board. It was noted that the Lewiston Tribune had not reported the story about co-ed housing correctly. He emphasized there is no intention by the University of Idaho for male and female students to share rooms.

**DEPARTMENT OF EDUCATION**1. Cascade School District #422 Trustee Zone Change

**M/S (Luna/Agidius): To approve the adjusted trustee zones for the Cascade School District as submitted.** Motion carried unanimously.

State Superintendent Luna presented this item. He referred the Board to the agenda for more detailed information.

2. Dual Credit Legislation

State Superintendent Luna presented this information item. He summarized the work of the task force and the process undertaken to come up with final recommendations. He noted the recommendations will be presented to the Legislature this month. The recommendations include the proposal for a statewide dual credit fee reimbursement. A copy of the draft legislation related to that was provided to the Board in their agenda materials. Mr. Luna noted that the committee that was put together had 24 individuals participating and 16 of those came from the education field.

Board member Hall asked for clarification on the fee. Mr. Luna indicated that the current fee that was agreed upon is \$65 per credit; the state will reimburse \$50 of that fee and the student will pay the rest. He indicated that Board policy will set the per credit fee on an annual basis.

Mr. Hall raised a concern about the significant reduction in dual enrollments at ISU and NIC and asked the institutions to speak to those enrollments. There was discussion between the Board, Board staff, the SDE staff, and the institutions about the accuracy of the numbers and the reliability of 10<sup>th</sup> day numbers. The numbers in question will be reviewed. Mr. Hall asked that the Board staff and the institutions provide footnotes and explanation for the data they turn in.

There was discussion related to issues raised by the provosts and vice presidents. Dale Bower of the Board office reported that the concerns expressed had to do with the governance role of postsecondary institutions in the area of dual enrollment. Dr. Vailas indicated that the concerns related to a lack of written instructions at the state level as to how the oversight will be executed by the institutions. He noted that the accrediting bodies have expressed concerns about this as well. He urged the Board to provide a required set of detail that all higher education and secondary education institutions must follow to give assurance to the accrediting bodies that the postsecondary institutions are in compliance.

Board member Lewis asked for clarification related to the comments from the institutions about changing the definition of eligible institutions and also deleting language under the heading of Courses According to Agreements. Dr. Bower indicated that CAAP members felt they wanted something more substantive to accreditation and that it would be meaningful to have those as part of the language of the legislation. As far as proximity of services, it was felt it would be better for the high schools to work with the institution in their region.

State Superintendent Luna reported that the task force had discussed at length the topic of regional monopolies. The task force had agreed that by giving students the option of selecting an institution outside of the region they lived in, students would have a greater opportunity to take the courses they needed or wanted. The task force found that people around the state were in agreement that they didn't want to be limited geographically. Mr. Luna reiterated that half of the task force members were from postsecondary institutions. Everyone except BSU supported the idea of allowing students to work at the institution of their choice to obtain the education they are seeking.

Selena Grace of the Board staff indicated that the biggest concern of the institutions is that high schools will go out and shop for the best deal, thereby pitting the postsecondary institutions against one another. She noted that some institutions are able to provide services or deals that other institutions cannot. State Superintendent Luna reminded the Board that this legislation relates to a scholarship program that allows students to participate in the dual credit opportunities already out there; students who may not be financially able to afford to take the courses otherwise. He urged the Board to base their decision on what is best for the student, not what is good for the bureaucracy. Board member Lewis suggested, on the regional issue, that the Board be involved in the discussion.

At this time, Board member Hall was excused from the remainder of the meeting to attend to other business.

Board President Terrell took the opportunity to commend the University of Idaho for the initiative to take a hard look at cutting and downsizing programs.

### 3. Teacher Evaluation Legislation

State Superintendent Luna presented this item. He noted that the work of the task force was focused on examining and reviewing current Idaho law relating to teacher performance evaluations, teacher evaluation models, the role of higher education in developing and training Idaho's teachers and administrators, and national trends and practices in teacher supervision and evaluation.

Christina Linder of the Department of Education reviewed the recommendations of the task force. She noted that the heart of the task force's work related to the local district evaluation policy. She discussed the portions of the policy where changes had been made. She pointed out that the changes do not require any additional funding.

Mr. Luna reported that the task force was drawn to the work of Charlotte Danielson's Framework for Teaching domains and components of instruction. He pointed out that Dr. Danielson is a nationally recognized expert on school improvement and has authored numerous publications for the Association for Supervision and Curriculum Development. It was deemed by the task force, early on, that pay-for-performance would be a separate issue from teacher evaluation standards.

Board member Edmunds asked if teacher evaluations will be a good basis for pay-for-performance when that becomes an option. Mr. Luna indicated that pay-for-performance is being worked on in parallel, but not in conjunction with, this effort. He reiterated that the task force didn't view their work in that way.

4. Public Schools Budget

State Superintendent Luna presented this item. He noted he will make his presentation to the Joint Finance and Appropriations Committee on Thursday of this week. His request will be for less than what Public Schools received in FY 2009. He noted that Governor Otter proposed a 5.3% reduction for Public Schools. He presented a list of ideas the Department of Education had solicited as to ways the education budget can be trimmed without impacting student achievement. His goal is to preserve student-teacher contact hours and to preserve those programs that have the most immediate positive impact on student achievement.

Mr. Luna discussed several of the ideas for the benefit of the Board. He noted that if the Board has additional ideas or points that it feels needs to be raised, he would appreciate input.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**1. Approval of the Idaho Accountability Workbook

**M/S (Thilo/Agidius): To approve the proposed amendments to the State of Idaho Consolidated State Application Accountability Workbook.**

**Substitute M/S (Lewis/Agidius): To approve the proposed amendments 1 and 2 but not number 3 of the State of Idaho Consolidated State Application Accountability Workbook.** Motion carried unanimously.

Board member Thilo presented this item. Board member Lewis asked a question related to AYP and the use of attendance for the third indicator. Margaret Healy of the Board office indicated that middle schools currently have an option as to what indicator they want to use for their third indicator. Having middle schools use attendance as their third indicator would help improve attendance as well as student achievement. Mr. Lewis suggested that attendance is not a sufficient method of measuring achievement. Ms. Healy noted that the accountability is at the school level, not the student level so attendance is one way to hold schools accountable. She noted that schools are still held to the math and reading requirements as their first two indicators.

Mr. Luna asked what schools usually choose as their third indicator. Ms. Healy indicated that most schools have used Language Usage. Mr. Luna noted that because schools receive a majority of their funding based on attendance, they are already focused on that. He indicated that he agreed with Mr. Lewis about not shifting attention away from student achievement.

Mr. Lewis made a substitute motion to approve only amendments one and two. State Superintendent Luna asked if not using attendance as the third indicator will affect the application that is currently before the U.S. Department of Education. Ms. Healy indicated that the Board received permission from the U.S. Department of Education to submit simultaneous applications. She does not anticipate that this will impact the turn around time in their response.

Dr. Mike Rush clarified with Mr. Lewis that his motion would include all of the clarifications and editorials related to the motion.

**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section I**1. Idaho State University – Appointment of the Provost and Vice President for Academic Affairs

**M/S (Westerberg/Edmunds): To approve the appointment of Dr. Gary A. Olson to the position of Provost and Vice President for Academic Affairs, at an annual salary of \$195,000.00. Motion carried unanimously.**

Board member Westerberg presented this item. Dr. Vailas introduced the new Provost to the Board.

2. Pulled**BUSINESS AFFAIRS AND HUMAN RESOURCES – Section II**1. Boise State University – Taco Bell Arena – Seat Replacement

**M/S (Westerberg/Edmunds): To approve Boise State University's request to replace the platform seating in the Taco Bell Arena at a cost not to exceed \$925,000, to be paid from bond proceeds from the February 2009 bond sale. The University must not proceed with construction of this project prior to Board approval to issue debt. Motion carried unanimously.**

Board member Westerberg presented this item. Board member Agidius raised a question about the contingency figures. Stacy Pearson of Boise State University explained that the contingency calculations are based on construction costs. Ms. Pearson indicated that she will correct the mistakes.

2. Office of the State Board of Education – Withdrawal from the Interstate Compact for Education

Board member Westerberg presented this item. There were no questions.

**OTHER BUSINESS**

The meeting was adjourned at 3:00 p.m.