



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

**APPROVED MINUTES
STATE BOARD OF EDUCATION
August 19-20, 2009
Idaho State University
Rendezvous Building
Pocatello, Idaho**

A regular meeting of the State Board of Education was held August 19-20, 2009 in Pocatello, Idaho.

Present:

Paul Agidius, President	Richard Westerberg, Vice President
Kenneth Edmunds, Secretary	Rod Lewis
Don Soltman	Milford Terrell
Tom Luna, State Superintendent of Public Instruction (absent during Executive Session)	

Absent:

Emma Atchley

Wednesday, August 19, 2009

EXECUTIVE SESSION

The Board met for Executive Session at 3:00 p.m. on Wednesday, August 19, 2009 at Idaho State University Rendezvous Complex in Pocatello, Idaho.

M/S (Westerberg/Terrell): To amend the Executive Session agenda to add two personnel items involving Idaho State University. The first personnel item is being added at this time because the Board and ISU administration received late on August 17 a communication that relates to a pending disciplinary action and ongoing litigation and it is believed that a timely update by counsel for the institution is important in placing the communication in the context of these pending matters. Motion carried unanimously (Atchley and Luna absent).

M/S (Westerberg/Soltman): Related to amending the Executive Session Agenda, the second item is being added at this time to deal with time sensitive issues that did not come to the attention of the Board until after the posting of the agenda. Motion carried unanimously (Atchley and Luna absent).

M/S (Westerberg/Terrell): To move into Executive Session pursuant to Idaho Code on Wednesday, August 19, 2009 to consider the following items:

(Tab 1) University of Idaho: A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1)(d) and (f) for the purpose of considering documents subject to the attorney-client privilege and exempt from public disclosure and to consider and advise the Boards' legal representatives in a matter of probable litigation.

(Tab 2) Lewis-Clark State College: A motion to hold an executive session pursuant to Idaho Code Sections 67-2345(1)(d) and (f) for the purpose of considering documents subject to the attorney-client privilege and exempt from public disclosure and to consider and advise the Boards' legal representatives in a matter of probable litigation, and pursuant to Idaho Code Section 67-2345(1)(c) for the purpose of conducting deliberations regarding possible acquisition by Lewis-Clark State College of an interest in real property that is currently owned by private parties.

(Tab 3) State Board of Education: A motion to meet in executive session to evaluate the presidents of Idaho's state higher education institutions and its executive director, pursuant to Idaho Code Section 67-2345(1)(b), for the purposes of evaluating, dismissing or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

(Tab 4) Idaho State University: A motion to hold an executive session pursuant to Idaho Code Section 67-2345(1) (b) and (f), for the purposes of considering the evaluation, dismissal or discipline of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent and to communicate with legal counsel to discuss the legal ramifications of, and legal options for pending litigation.

(Tab 5) Idaho State University: A motion to hold an executive session pursuant to Idaho Code Section 67-2345(10) (b), for the purposes of evaluating, dismissing, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, or public school student.

A roll call vote was taken; motion carried 6-0 (Mr. Luna and Ms. Atchley were absent).

During Executive Session, the Board discussed and considered: (1) as Regents for the University of Idaho, a matter of probable litigation; (2) as Trustees for Lewis-Clark State College, a matter of probable litigation as well as a possible acquisition of real property; (3) as the Board of Education, the Board evaluated its institution presidents and the Board's executive director; and (4) as Trustees for Idaho State University, a matter of probable litigation; and (5) as the Trustees for Idaho State University, a matter of probable litigation.

M/S (Westerberg/Terrell): To go out of executive session at 6:00 p.m. and adjourn for the evening. Motion carried unanimously.

Thursday, August 20, 2009

The Board met for regular business on Thursday, August 20, 2009 at Idaho State University in the Rendezvous Building. Board President Paul Agidius called the meeting to order at 8:11 a.m.

Board President Agidius took the opportunity to recognize several people at the beginning of the meeting.

- Idaho State University alumnus Rafi Ahmed was recognized. He is the current director of the Emory Vaccine Center at Emory University in Atlanta, Ga., and has been elected to the National Academy of Sciences.
- Kathleen Nelson of Eastern Idaho Technical College was recognized for distinguished service for her contributions to Health Professions Education in Idaho. She also served on the Governor's Nursing Task Force.
- Bryce Larson, a student at West Jefferson High School in Terreton, was recognized. He was recently elected as the Vice President of the National Business Professionals of America.
- Mary Dunne was recognized. She is retiring from the Idaho School for the Deaf and the Blind after 37 years of dedicated service to the students and the state of Idaho. She recently served as the Director of the School for the Deaf and the Blind.
- Dennis Griffin was recognized. He is retiring after a long and distinguished career in education. He recently served as the first president of the College of Western Idaho.

Ross Knight, ASISU Student Body President for the 2009-2010 school year was introduced by Board President Agidius. Mr. Knight took a few minutes to recognize and welcome the members of the State Board of Education. He also thanked the staff and students of Idaho State University for their hard work in making preparations for the Board meeting.

BOARDWORK

1. Agenda Approval

M/S Westerberg/Soltman: To approve the agenda as presented with the following amendments: the addition of Tab 08 to the Business Affairs and Human Resources agenda, section two, Lewis-Clark State College – College Place Interim Management Agreement due to the fact that negotiations on the terms of the Interim Management Agreement were not completed until the evening of August 17, 2009. Motion carried unanimously.

2. Minutes Approval

M/S (Terrell/Westerberg): To approve the minutes from June 17-18, 2009 Board meeting, as submitted. Motion carried unanimously.

3. Rolling Calendar

M/S (Westerberg/Soltman): To approve August 11-12, 2010 as the date and Idaho State University as the location for the August 2010 regularly scheduled Board meeting. Motion carried unanimously.

CONSENT AGENDA

M/S (Terrell/Westerberg): To approve the Consent agenda as presented. Motion carried unanimously.

1. BAHHR-Section I – Boise State University - Deletions of Positions

By unanimous consent, the Board approved the request by Boise State for deletion of 156 positions: one (1) professional staff position (1.0 FTE) and one hundred fifty-five (155) positions (153.69 FTE) from the Seland College of Applied Technology.

2. BAHF-Section I – Idaho State University - New Position & Change in Position

By unanimous consent, the Board approved the request by Idaho State University for one (1) new classified staff position (1.0 FTE); and to increase the FTE on one classified staff position (1.0 FTE).

3. PPGAC – Alcohol Permits Approved by University Presidents

By unanimous consent, the Board accepted the report, as submitted.

STATE DEPARTMENT OF EDUCATION AGENDA

1. Superintendent's Update

State Superintendent Luna reported to the Board on a number of efforts and initiatives underway at the State Department of Education (SDE). He discussed challenges public education is facing in the current economic climate and how SDE hopes to move forward in light of declining budgets. He noted that the statewide AYP results have shown a remarkable improvement over the last few years and commended the hard work of the teachers and districts. He observed that intellectual capacity is the currency of the 21st century and along that line, SDE is working to positively impact the education system in Idaho.

Mr. Luna discussed the use of stimulus funds as well as federal funds. He emphasized the importance of spending those funds effectively and efficiently. Guidance has been provided to the districts and they will be held accountable for demonstrating that the dollars are spent effectively. Mr. Luna mentioned the Idaho Education Network (IEN) and explained how it will make it possible for students throughout the state to access quality program and instruction.

Related to assessment, Mr. Luna pointed out that SDE established a Division of Assessment since taking over that responsibility July 1, 2009. In addition, Mr. Luna was recently appointed to a national committee that will be looking at growth models. He noted that Idaho is working with other states to identify common core standards. This particular effort is not federally directed, but rather it's a collaborative effort by individual states. Mr. Luna emphasized that Idaho's process for adopting standards has not changed.

Mr. Luna mentioned other efforts underway including the Math Initiative, the State Longitudinal Data System, competitive School Improvement Grants, and the Race to the Top initiative. He noted that the Race to the Top funds target states which are willing and ready to make systemic changes. Board member Terrell indicated he had received a letter which encouraged the Board of Education to support the Race to the Top initiative.

Board member Lewis commended SDE on the improvements in AYP. He spoke about the Board's concern regarding a weakness related to high school students going onto post graduate education. Mr. Luna noted that data needs to be collected in that area and the Longitudinal

Data System will help get the data. He suggested that the Idaho Education Network will help students to prepare for college by opening doors of opportunity to all students.

Mr. Lewis agreed that if the K-12 system is stronger it will help. He urged Mr. Luna to consider that the current windfall in terms of education provides an opportunity to look at the connectivity issue that is of concern as well. Mr. Lewis noted that it would be useful and beneficial for SDE to look at how to connect the colleges and institutions to K-12 in a better way.

Mr. Luna mentioned that additional opportunities are coming for Idaho to apply for more federal grant funds. Board member Edmunds asked Mr. Luna how the Board will be involved those discussions. Mr. Luna agreed it was important to involve the Board. Mr. Lewis commented on the development of the next generation of reforms. He noted that the SDE is very engaged and reiterated that the Board needs to be involved as a partner. He urged Mr. Luna to achieve a better connection in that regard.

Mr. Edmunds observed that a significant level of reform has been put into place and it will carry on for several more years. He echoed Mr. Lewis' observations that the Board needs to be included in the efforts and discussions conducted by SDE. He asked for the Department's help in making sure that happens so that education in Idaho can truly be seamless.

At this time Board President Agidius took a moment to recognize several more people in the audience. Dr. Duane Nellis, the new President of the University of Idaho was recognized. Berton Glandon, new President of the College of Western Idaho was recognized. Emma Atchley was recognized as the newest Board member even though she was not able to be at this meeting. Finally, Blake Hall, a former member of the State Board of Education was recognized. Mr. Agidius thanked Mr. Hall on behalf of the Board for his contributions to education and his dedicated service to the state of Idaho during his nine years as a member of the Board. Mr. Hall thanked the Board.

2. Idaho Education Network Overview – Project Rollout Updates

Garry Lough, Communications Director of the Idaho Education Network (IEN), presented an update to the Board. Mr. Lough summarized the goals of IEN. He indicated that in phase one every high school in Idaho will be connected to sufficient high-speed broad band capabilities over the next three years. In phase two and three, IEN will work to connect middle schools, elementary schools, and libraries to sufficient high-speed broad band capabilities as well. In addition, IEN will create a statewide network connecting those schools and communities to education opportunities from around the state, nation, and world.

Mr. Lough noted that this system ultimately can be used for many things including the delivery of training for rural firefighters, dual credit college classes, delivery of Native American language courses, training for hospital and business and development, teacher professional development, law enforcement training, virtual video tours on a global scale, etc. Schools and districts will be able to deliver reciprocal training. Courses will reach more students and offer a savings to districts because they won't have to transport students between various locations. This means that schools and districts will have access to a wide variety of classes and programs.

Board member Westerberg asked if hardware argumentation dollars will be available to the schools to allow them to access and connect to the bandwidth. Mr. Lough noted that some funds are available, but most schools currently have the hardware. In addition, IEN will bring a

video conferencing system to the high schools. Mr. Luna emphasized that when this project is finished, every school will have at least one classroom that is fully operational.

Board member Edmunds asked about federal stimulus funds for IEN. Mr. Luna indicated that is one of the many different grants and that Idaho will be participating in several grant opportunities. Mr. Edmunds asked Mr. Luna to follow up and get him more information on this.

Dr. Rush, Executive Director of the Board, raised a question about maintaining access to the network. Mr. Lough noted that lessons of the past have been learned. He pointed out that the technology component of this system is more advanced and should make it possible for access and use by communities, businesses, and others with more ease.

Mr. Luna referred to the handout given to the Board and encouraged them to look through it. He noted that IEN will make it possible to reach rural Idaho with college credit courses that are taught by college level instructors. Equally important will be the ability to offer high school level courses such as languages and science to rural students via IEN.

At this point Board President Terrell recognized Senator Noh in the audience.

3. Overview of Professional Standards Commission

Christina Linder from SDE reported to the Board on the Professional Standards Commission (PSC). She noted that the PSC procedures manual was provided to the Board in their agenda materials. She reviewed the role of the PSC.

Board member Lewis asked how the Board should proceed with respect to the reports it receives from the PSC. Ms. Linder explained the process the PSC follows in bringing forward recommendations to the Board of Education for Idaho state approval of teacher preparation programs.

Board member Terrell raised a question related to certification of teachers at private schools. Mr. Luna explained that private schools that offer an Idaho diploma are required to have certified teachers, but not all private schools offer an Idaho diploma. Ms. Linder explained the PSC has three separate commissions to look at various issues. She noted that any breach of the code of ethics is investigated by the PSC.

Mr. Luna commented on efforts to raise the bar for teacher education. He commended the PSC for removing some of the bureaucratic barriers and making easier to attract quality teachers to the state of Idaho.

4. Proposed Rule – IDAPA 08.02.02.016, Rules Governing Uniformity, Idaho Educator Credential

M/S (Luna/Edmunds): To approve the proposed amendments to IDAPA 08.02.02.016, Rules Governing Uniformity, Idaho Educator Credentials, as submitted. Motion carried unanimously.

Mr. Luna presented this item.

5. Proposed Rule – IDAPA 08.02.02.029, Rules Governing Uniformity, Consulting Teacher Endorsements

M/S (Luna/Soltman): To approve the proposed amendments to IDAPA 08.02.02.029, Rules Governing Uniformity, Consulting Teacher Endorsements. Motion carried unanimously.

Mr. Luna presented this item.

6. Proposed Rule – IDAPA 08.02.03.105, Rules Governing Thoroughness, High School Graduation Requirements

M/S (Luna/Soltman): To approve the proposed amendments to Idaho Administrative Code, IDAPA 08.02.03.105, Rules Governing Thoroughness, High School Graduation Requirements. Motion carried unanimously.

Mr. Luna presented this item related to high school graduation requirements. He noted that this won't be an obstacle for the schools that do not require 60 hours of total instruction.

Board member Lewis raised a question about changes in the Social Studies requirement. Mr. Luna will follow up in getting additional information to Mr. Lewis. Mr. Lewis asked how a course is defined as a high school level course. Mr. Luna noted that high school courses are taught by high school certificated teachers. All of the courses are driven by the grade level and content standards. Dr. Rush reminded the Board that this rule will come back to the Board for final approval after it has gone out for public comment.

7. Temporary and Proposed Rule – IDAPA 08.02.03.109, Special Education

M/S (Luna/Edmunds): To approve the temporary and proposed rule IDAPA 08.02.03.109, Rules Governing Thoroughness, Special Education. Motion carried unanimously.

Mr. Luna presented this item.

8. Proposed Rule – IDAPA 08.02.03.200, K-12 State Achievement Standards

M/S (Luna/Soltman): To approve the proposed rule IDAPA 08.02.03.200, Rules Governing Thoroughness, K-12 Achievement Standards, as submitted. Motion carried unanimously.

Mr. Luna presented this item.

9. Pending Rule – IDAPA 08.02.03.004, Incorporation by Reference – Idaho Content Standards

M/S (Luna/Terrell): To approve Pending Rules – Docket No. 08-0203-0902 – Idaho Content Standards and the Idaho Content Standards for Social Studies, Health Education, Physical Education, Chemistry, and Humanities. Motion carried unanimously.

Mr. Luna presented this item.

10. Pending Rule – IDAPA 08.02.02.120, Local District Evaluation Policy

M/S (Luna/Soltman): To approve the pending rule – Docket 08-0202-901 – Local District Evaluation Policy. Motion carried unanimously.

Mr. Luna presented this item.

11. Pending Rule – IDAPA 08.02.02.021, Endorsements

M/S (Luna/Soltman): To approve the pending rule, Docket 08-0202-903 – Rules Governing Uniformity, Endorsements. Motion carried unanimously.

Mr. Luna presented this item.

12. Pending Rule – IDAPA 08.02.02.027, Pupil Personnel Services Certificate

M/S (Luna/Soltman): To approve pending rule – Docket 08-0202-903 – Rules Governing Uniformity, Pupil Personnel Services Certificate – Provisional Endorsement – School Nurse. Motion carried unanimously.

Mr. Luna presented this item. Board member Edmunds asked if the interim approval could be extended after three years. Ms. Linder noted that it is rare for that situation to come up, but if it does it is addressed on a case-by-case basis.

13. Pending Rule – IDAPA 08.02.02.024, Endorsements M-Z

M/S (Luna/Lewis): To approve the pending rule – Docket 08-0202-903 – Rules Governing Uniformity – Endorsements M-Z, as submitted. Motion carried unanimously.

Mr. Luna presented this item.

14. Temporary and Pending Rule – IDAPA 08.02.02.043, Alternate Authorization – Teacher to New Teacher Certification

M/S (Luna/Soltman): To approve the temporary and pending rule for Docket 08-0202-902 – Rules Governing Uniformity, Alternative Authorization, Teacher to New Teacher Certification. Motion carried unanimously.

Mr. Luna presented this item.

15. School District Property Transfer, Boise – Meridian (Avimor)

M/S (Luna/Lewis): To approve the excision and annexation of the identified property from the Boise Independent District to the Meridian Joint School District. Motion carried unanimously.

Mr. Luna presented this item.

16. School District Property Transfer, Meridian – Boise (Orchard Ranch)

M/S (Luna/Soltman): To approve the excision and annexation of the identified property from the Meridian Joint School District to the Boise Independent School District. Motion carried unanimously.

Mr. Luna presented this item.

17. Curricular Materials Adoption

M/S (Luna/Edmunds): To approve the request for adoption of curricular materials and their related instructional materials as recommended by the Curricular Materials Selection Committee, as submitted. Motion carried unanimously.

Mr. Luna presented this item. Board member Edmunds raised a question about state-driven or mandated curriculum. Mr. Luna explained that SDE reviews a large number of curriculum textbooks and materials to make sure it all meets state standards. A list of recommended materials is provided to the districts. SDE provides more information as to the quality of the materials to help districts in making an informed decision.

Mr. Edmunds suggested a need for more efficiency related to the development of curriculum materials. He indicated that work needs to be done to eliminate barriers to coming up with a comprehensive approach. Mr. Luna indicated that the Idaho Education Network will help address that issue.

18. Boise State University Teacher Preparation Program Full Program Review Team Report

M/S (Luna/Soltman): To accept the State Review Team Report, thereby granting program approval of Administrators, Bilingual/ESL, Communication Arts, Early Childhood Studies, Elementary Education, Foreign Language (Spanish), Language Arts, Math, Physical Education, Reading, Science, Biology, Chemistry, Earth and Space Science, Physics, Social Studies, Economics, History, Political Science/Government & Civics, School Social Workers, Special Education Generalist, Visual & Performing Arts, Drama, and Music and Boise State University. Motion carried unanimously.

M/S (Luna/Soltman): To accept the State Review Team Report, thereby granting conditional approval of Foreign Language (French and German) at Boise State University. Motion carried unanimously.

Mr. Luna presented this item.

19. Brigham Young University – Idaho Agriculture Education Focused Review Team Report

M/S (Luna/Soltman): To accept the Professional Standards Commission recommendation to not approve with specific accommodations and conditions the Agriculture Education program at Brigham Young University. Motion carried unanimously.

Mr. Luna presented this item. He clarified that there were some expectations that BYU-Idaho was to meet, that it did not. The consequence was that this program will be reviewed in a year. BYU-Idaho has a year to get that class up and running. The University and the PSC have both

been very cooperative in working through the issues. It was noted that there will be no effect on students currently enrolled in the program.

20. University of Idaho School Counselor Focused Review Team Report

M/S (Luna/Westerberg): To accept the State Review Team Report, thereby granting program approval of the M.Ed./M.S. School Counseling and School Psychology (CASP) blended program at the University of Idaho. Motion carried unanimously.

Mr. Luna presented this item. He noted that the Board had received the correct attachment as a handout. Board member Lewis asked for clarification related to program approval. Mr. Luna noted that SDE goes through a scheduled review of individual programs at the college and universities. This step is part of that process. The program is being approved by the Board for the purposes of the Department's approval process.

21. Appointment to the Professional Standards Commission

M/S (Luna/Westerberg): To approve Esther Henry as a member of the Professional Standards Commission for a term of three years representing secondary classroom teachers. Motion carried unanimously.

M/S (Luna/Westerberg): To approve Daylene Petersen as a member of the Professional Standards Commission for a term of three years representing secondary classroom teachers. Motion carried 6-1 (Edmunds voted Nay).

In response to a question from Board member Edmunds there was discussion about the selection process as it relates to the nominees for the Professional Standards Commission appointments. Ms. Linder explained that the PSC solicits recommendations from all over the state and carefully reviews all recommendations in terms of qualifications, balance, content background, experience, etc. Mr. Luna emphasized that the goal of the PSC is to improve the craft of teaching. He noted that neither rule nor statute mandate regional representation.

22. Idaho Special Education Manual

M/S (Luna/Edmunds): To adopt the Idaho Special Education Manual as Idaho's policies and procedures for special education. Motion carried unanimously.

Mr. Luna presented this item.

POLICY, PLANNING, AND GOVERNMENTAL AFFAIRS AGENDA

1. Presidents' Council Report

Dr. Dene Thomas from Lewis-Clark State College reported to the Board on behalf of the Presidents' Council. She noted that the Presidents' Council has set an agenda for the year in response to a request from the Board. They will meet monthly. The first meeting is September 1, 2009. Board President Agidius will join the Presidents' Council for that meeting.

Dr. Duane Nellis, the new President of UI, took the opportunity to introduce himself. Bert Glandon, the new President of the CWI, introduced himself to the Board. Both indicated that they look forward to being in Idaho and the opportunity to work with the Board.

2. Idaho State University Annual Report

Dr. Art Vailas presented the annual report for Idaho State University. He discussed how ISU serves the state of Idaho in the areas of Health Care, Environment, and Energy. He explained ISU's economic development strategy and reported that enrollments at ISU are increasing despite the economic challenges.

Dr. Vailas spoke about efforts related to retention and recruitment. He noted that the Be Advised Program was launched last year and has been successful. In addition, ISU has started the Veterans Sanctuary program which has been recognized nationally. Dr. Vailas reported on another unique effort, the Native American Business program. The long-term vision for this program includes a Native American center for research and educational excellence.

Dr. Vailas reported that the ISU-Meridian Health Science Center will have its grand opening shortly. It operates in partnership with the Meridian School District and offers more than 20 programs, including 15 graduate programs.

3. Performance Measures/Benchmarks

M/S (Terrell/Westerberg): To approve the performance measures and cases served, as submitted. Institution and agency staff are directed to submit the required data to Board staff by the date specified by Board staff for the annual submission of the Performance Measure report to the Division of Financial Management.

Substitute Motion: (Lewis/Westerberg): To approve the performance measures and cases served, as submitted with the addition of adding a measure on the number and percentage of high school students who go on to postsecondary education. Institution and agency staff are directed to submit the required data to Board staff by the date specified by Board staff for the annual submission of the Performance Measure report to the Division of Financial Management. Motion carried unanimously.

Board member Terrell presented this item. Board member Edmunds noted that the changes made in the performance measures have been positive. He raised a question about the benchmarks and Traci Bent of the Board office reported that the benchmarks are currently selected by the institutions. Benchmarks may be based on peer averages or on something the institution aspires to.

Board member Terrell suggested that the Board and the Presidents work out the things that the institutions may use as aspirational benchmarks. Board member Westerberg asked that the Board look at both. He also indicated that the FTE detail is important and he thanked the staff for including that. It was clarified that September 1 is the reporting date.

Board member Lewis suggested that a historical record of trends would be useful to include as well. Ms. Bent indicated that the report that comes out in October will include four years of trend data.

Mr. Lewis indicated that he would like to see a performance measure for the number of students entering postsecondary education as well as one for graduation rates. Mr. Westerberg agreed that was important to include that information once it is determined how you measure the metric. Dr. Rush indicated that it was simple to add it to the performance measures and there are several places to get the data.

4. First Reading, Board Policy I.E.4 – Spouse Reimbursement

M/S (Terrell/Luna): To approve the first reading of the Idaho State Board of Education Governing Policies & Procedures, Section I.E.4., as submitted. Motion carried unanimously.

Board member Terrell presented this item. He expressed concerns related to some of the wording even though he helped to craft it. He noted the need for checks and balances because of the use of state funds. It was agreed there should be further clarification on the point of the spouse traveling with the president to various functions. Mr. Terrell asked that the Board members offer their suggestions to Board staff before the second reading.

5. Proposed Rule – IDVR Appeals Process

M/S (Terrell/Soltman): To approve the proposed rule change to IDAPA 47.01.01 Rules of the Idaho Division of Vocational Rehabilitation. Motion carried unanimously.

6. Temporary/Proposed Rule – Proprietary/Postsecondary School Registration

M/S (Terrell/Soltman): To approve the Temporary/Proposed Rule, IDAPA 08.01.11. Rules – Registration of Postsecondary Education Institutions and Proprietary Schools. Motion carried unanimously.

7. Proposed Rule – Rural Physicians Incentive Fund

M/S (Terrell/Soltman): To approve the proposed rule IDAPA 08.01.14 – Rules Governing the Idaho Rural Physicians Fund. Motion carried 6-0 (Edmunds withdrew from the discussion and vote due to a conflict of interest).

Board member Edmunds indicated that he had a conflict of interest in this area and withdrew from the discussion and vote.

8. Trends in Higher Education

Executive Director Rush made a presentation to the Board related to the trends in higher education. He shared details from two reports he received at the State Officers of Higher Education meeting. One report was from the College Board and the other was from NCHEMS. Dr. Rush noted that the information he was presenting was meant to serve as a catalyst for conversation, not a template for change. A copy of his presentation was made available to the Board.

Dr. Rush discussed the challenge the United States faces in terms of losing its status as the world leader in education attainment of its citizens. Obstacles include poverty, a lack of college information in middle schools, confusing application and financial aid processes that discourage

students, insufficient need-based financial aid, and the failure to meet teacher education and preparation needs.

Dr. Rush discussed various strategies to address the problem including the alignment of high school exit requirements with college entrance expectations, simplifying college entrance and college transfer and financial aid processes, making college more affordable, and giving greater attention to teacher preparation.

INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS AGENDA

1. First Reading, Proposed Amendments to Board Policy III.W., Higher Education Research

M/S (Edmunds/Luna): To approve the first reading of Board Policy III.W., Higher Education Research, as submitted. Motion carried unanimously.

Board member Edmunds presented this item. Senator Noh, the Vice Chair of EPSCoR was invited to take questions and make comments.

Board member Terrell expressed frustration related to not receiving information he had previously requested about EPSCoR. Mr. Edmunds pointed out that a full presentation was made by the EPSCoR people in June. Mr. Terrell indicated that he wanted to see something more.

Board member Lewis explained several items were troubling to him. One had to do with how the chair is selected and the amount power the chair has. Another had to do with the nominating process. Another was the length of time for committee membership. Mr. Lewis also mentioned the issue of how the lead institution is selected noting complaints came up in the past on this point.

Senator Noh was asked to address the questions. He started by extending an invitation on behalf of EPSCoR to all of the Board members to attend EPSCoR's annual meeting on August 31-Sept 1 in Moscow. Senator Noh observed it is a unique opportunity for the Board to learn how the committee works. He pointed out this will be an outside peer review that is conducted by leading scientists from around the world. The results of the review will determine how much future funding is granted. Board member Edmunds indicated that both he and Mr. Terrell will be in attendance.

Senator Noh explained the National Science Foundation has committed significant federal dollars to the state of Idaho over the years. He noted that the mission of EPSCoR is to assist the National Science Foundation in its statutory function. EPSCoR is not about being fair and Idaho's attempt in the past to be fair to all the institutions has caused Idaho to fail the test. The Senator offered to meet with Mr. Terrell to provide him with additional information about EPSCoR before the conference in Moscow.

Senator Noh emphasized that the National Science Foundation funds are awarded via a highly competitive effort in an endeavor to strengthen research and education in science and engineering throughout the United States and to avoid undue concentration of such research and education. He emphasized that the focus has to be on the science and not the institution. In speaking about the EPSCoR committee, Senator Noh suggested that the Board tends to be more politically driven and focused. He reported that in the past the EPSCoR committee has submitted the names of nominees to the Board up to 122 days before a term expires only to

have the Board fail to vote on any of the names until long past the time the committee needs results.

Board member Lewis agreed that EPSCoR is a merit based program and it has to be the best. He indicated that the concerns expressed to the Board in the past suggested that the process to select the best project may not be fair. Senator Noh reported that the process for selecting projects is affected not so much by the EPSCoR committee, but by the outside reviewers. He explained that building a competitive grant application requires a great deal of time and thorough, detailed work. When the applications are put together, they are reviewed by expert outside peer reviewers. EPSCoR relies heavily on scientists and outside reviewers, but it does not want any of the process to be unfairly weighted.

Senator Noh noted that the five-year membership of committee members had more to do with being able to find qualified, available, and willing experts in science and math who could or would commit time to this effort. He explained it is a difficult goal to achieve. He pointed out that the National Science Foundation has exacting expectations as to the caliber of person who should serve on this committee as well.

Senator Noh explained that the first EPSCoR was developed by the National Science Foundation. He noted that EPSCoR put bylaws in place early on. He pointed out that over the years things evolved and under Governor Risch's guidance, the EPSCoR committee agreed it was time to put together some clearer bylaws to guide them.

2. University of Idaho – Proposed University Policy to Require First Year Students to Live On Campus

Dr. Doug Baker, Provost at the University of Idaho, provided background information on this item. This policy would require single undergraduate first year students who are under the age of 21 to live on campus. It is viewed as a key element in retention.

Ray Gasser, Director of University Residence, and Lloyd Mues, Financial Vice President, were introduced. Mr. Mues explained that this policy will affect only a few hundred students. The University has studied this possibility for several years. Mr. Gasser noted that this is one of eighteen initiatives that came out of the Student Retention committee discussions. The University plans to implement all of the initiatives over the next few years. He explained that studies show students living on campus do better academically, have fewer adjustment problems, and are more apt to graduate. Mr. Gasser pointed out that other universities nationwide have implemented this requirement.

On the question of exemptions and waivers to this policy, Mr. Gasser noted that waivers are available, but documentation is required. He pointed out that whether a student lives on campus or in private housing there is a financial cost involved. Board member Lewis raised a question about accommodations for students who don't want to live on campus or be part of the Greek system. Mr. Gasser noted that a wide variety of living environments are available.

Board member Westerberg suggested that this policy will likely have some negative impact, but that UI is anticipating that the improved retention numbers will offset the negative impact. Dr. Baker noted that 90% of students already live on campus. Mr. Gasser pointed out again that this is just one initiative that UI is implementing. Mr. Mues indicated out that this decision

technically falls under the authority of the CEO of UI and that the University is bringing it to the Board as information item.

AUDIT AGENDA

1. University of Idaho – Revision to Foundation Operating Agreement

M/S (Lewis/Terrell): To approve the request by the University of Idaho for revisions to its Operating Agreement with the University of Idaho Foundation, and to authorized the transition of operating functions from the University to the Foundation as described in the materials presented to the Board, such transition to be accomplished as expeditiously as is practical while maintaining the necessary operations of the Foundation and the University. Motion carried unanimously.

Board member Lewis introduced this item. Lloyd Mues and Kent Nelson of the University of Idaho provided input. Board member Terrell commented on Article 5 under G, and asked if there is a policy that supersedes those points. It was noted that the second sentence of G clarifies that statement.

Board member Agidius noted that it is apparent that a lot of thought went into this agreement. He thanked the Audit Committee and the University of Idaho Foundation. Board member Lewis thanked the Foundation as well and indicated that the discussions have been open and professional.

As a point of information, Board member Lewis updated the Board that the contract with Moss Adams had expired. Since the relationship with Moss Adams has been successful and beneficial the Audit Committee felt it appropriate to re-engage Moss Adams for another three-year period, and is negotiating a new contract.

BUSINESS AFFAIRS AND HUMAN RESOURCES AGENDA

Section I -- Human Resources

1. Boise State University – Head Women’s Volleyball Coach Contract

M/S (Westerberg/Soltman): To approve the request by Boise State University to enter into a three and one-half (3.5) year employment contract with Shawn Garus, Head Women’s Volleyball Coach, as submitted. Motion carried unanimously.

2. Idaho State University – Head Softball Coach Contract

M/S (Westerberg/Terrell): To approve the request by Idaho State University for a three (3) year employment agreement, as submitted for Andrea Wilson, Head Softball Coach (1.0 FTE). Motion carried unanimously.

3. University of Idaho – Coaches’ Contract Modification

M/S (Westerberg/Terrell): To approve the request by the University of Idaho to modify the terms of the multi-year contracts for the University’s Head Football Coach, Women’s Soccer Coach and Women’s Volleyball Coach, and to authorize the University to execute

amended contracts in substantial conformance to the proposed amended contracts attached to the Board materials. Motion carried unanimously.

4. Presidential Compensation

Mr. Luna explained that concerns he expressed previously regarding compensation during a time of economic hardship still apply. Therefore, he will vote no on some of these motions under this item. He emphasized that his vote in no way reflects the good job of the people in those positions.

M/S (Westerberg/Lewis): To approve the employment contract for Boise State University President, Dr. Robert Kustra, in the form provided to the Board and to authorize the Board President to sign on behalf of the Board. Motion carried 6-1 (Luna voted Nay).

M/S (Westerberg/Soltman): To approve the employment contract Idaho State University President, Dr. Arthur Vilas, in the form provided to the Board and to authorize the Board President to sign on behalf of the Board. Motion carried 6-1 (Luna voted Nay).

M/S (Westerberg/Lewis): To approve the employment contract Lewis-Clark State College President, Dr. Dene Thomas, in the form provided to the Board and to authorize the Board President to sign on behalf of the Board. Motion carried 6-1 (Luna voted Nay).

M/S (Westerberg/Soltman): To approve the employment contract for Eastern Idaho Technical College President, Mr. Burton Waite, in the form provided to the Board and to authorize the Board President to sign on behalf of the Board. Motion carried unanimously.

M/S (Westerberg/Terrell): To approve the employment letter and term sheet for the Office of the State Board of Education Executive Director, Dr. Mike Rush, in the form provided to the Board and to authorize the Board President to sign on behalf of the Board. Motion carried unanimously.

5. Proposed Amendments to Board Policy – Section II.G.2.b.(2) Faculty Compensation – First Reading

M/S (Westerberg/Soltman): To approve the first reading of Board Policy II.G., Faculty, as submitted. Motion carried unanimously.

Board member Lewis asked for clarification on the definition of full-time faculty. Kevin Satterlee of Boise State University noted that the institutions define full-time differently than the state does. Board member Westerberg noted that this policy amendment is intended to clarify payment for twelve months for a nine-month appointment, which includes benefits. Mr. Luna asked if this policy is consistent with the new guidelines that have come out of the Department of Administration as to who can and who can't receive benefits. Mr. Satterlee indicated this is consistent with that policy.

6. Office of the State Board of Education – Chief Fiscal Officer Appointment

M/S (Westerberg/Terrell): To approve the request by the Office of the State Board of Education to hire Matt Freeman as Chief Fiscal Officer at a rate of 75% or greater of the Chief Executive Officer's salary. Motion carried unanimously.

Board member Westerberg presented this item. Dr. Rush introduced Matt Freeman and briefly summarized his qualifications for the Board. The Board welcomed Mr. Freeman. Mr. Westerberg thanked Scott Christie of the Board office for the hard work he has done in the interim.

Section II - Finance

1. FY 2011 Budget Requests

M/S (Westerberg/Soltman): To approve the Line Items for the agencies and institutions as listed in Attachment 1, to forward to the Division of Financial Management and Legislative Services Office the remaining Line Items as listed in Attachment 2, and to authorize the Executive Director to approve the MCO and Line Item budget requests, pending adjustments for agencies and institutions due to DFM and LSO on September 1, 2009. Motion carried 6-1 (Edmunds voted Nay).

Board member Westerberg presented this item. Board member Lewis asked about the process. Mr. Westerberg noted that the line item portion will be submitted for consideration to DFM and LSO and then funded as appropriate by the Legislature. This is the same process the Board has followed the past three years.

Mr. Lewis noted he is uncomfortable just passing these along a list without more scrutiny. Lloyd Mues of UI explained that complete lists were submitted to the Board by the institutions. Board staff then culled that list down. Mr. Mues noted that UI is required to fill out the standard form to get the process started.

Board member Terrell asked Matt Freeman to comment. Mr. Freeman explained that this agenda item is consistent with the past several years. It includes the recommended and non-recommended line items. It is, and has been, there for the legislators to see. Mr. Westerberg noted that the Business and Human Resources committee reviewed the details of this agenda item very carefully.

Dr. Rush used this opportunity to remind the Board that they voted for a new master calendar which addressed a number of budget issues. He noted that the master calendar allows the Board to make budget recommendations based on its strategic plan. He suggested that next year, by the June meeting, more analysis could be done.

2. FY 2011 Capital Budget Requests

M/S (Westerberg/Soltman): To recommend no major capital funding for FY 2011 and have the Permanent Building Fund Advisory Council concentrate upon Alteration and Repair and other non-major projects. Motion carried unanimously.

Lloyd Mues commented that UI was going to reorder the items it submitted for consideration this year. For clarification, the motion on the floor is that the focus be on alteration and repair and other non-major projects. The numbers related to that were not available.

It was directed by the Board President that the details related to the alterations and repairs proposed by the individual institutions be forwarded to the Board members to address any issues and answer any questions they may have.

3. Boise State University – Laser Purchase

M/S (Westerberg/Luna): To approve Boise State University's request to proceed with procurement of the Vis-NIR Tunable Laser System upon receipt of HSF grant funds for a total cost not to exceed \$628,000. Motion carried unanimously.

4. Boise State University – East Junior High Property Request

M/S (Westerberg/Soltman): To allow Boise State University, in conjunction with the State Division of Public Works, to proceed with demolition and related activities on the East Junior High School property for a total project cost not to exceed \$750,000. Motion carried unanimously.

5. University of Idaho – Wallace Complex Roof Repair Project

M/S (Westerberg/Terrell): To approve the request by the University of Idaho to proceed with the design and construction of the new roof for the Wallace Residence Center and to authorize the University to award contracts for the design and construction of the new roof for a total combined project budget not to exceed \$533,000. Motion carried unanimously.

6. University of Idaho – Settlement Agreement

M/S (Westerberg/Soltman): To approve the settlement considered by the Board in executive session and to authorize the University of Idaho to sign all necessary settlement documents. Motion carried 6-0 (Luna did not vote on this item for the reason that he was not in Executive Committee and therefore, not privy to the details related to this motion).

7. Lewis-Clark State College – Property Sale

M/S (Westerberg/Edmunds): To approve the request by Lewis-Clark State College to sell the property (six-plex) apartments located at 619-627 6th Street, and 601 7th Avenue, Lewiston, Idaho, for \$105,000 and to authorize the College's Vice President for Finance and Administration to sign the associated sales documents on behalf of the State Board of Education in its capacity as the Board of Trustees for the institution. Motion carried unanimously.

8. Lewis-Clark State College - College Place Residence Hall Interim Management Agreement

M/S (Westerberg/Soltman): To approve the interim management agreement as submitted and to authorize the Vice President for Finance and Administration at LCSC to execute such agreement on behalf of the Board of Trustees. Motion carried unanimously.

9. Promise B Scholarship – FY 2010

M/S (Westerberg/Edmunds): To delegate to the Executive Director any adjustment to the spring 2010 award for those current recipients who maintain eligibility and for qualified first year entering students under the age of 22 in academic year 2009-2010. Motion carried unanimously.

10. University of Idaho – Kibbie Dome Life Safety Project Update

Lloyd Mues of UI briefly presented an update on the Kibbie Dome project. He indicated the Permanent Building Fund did direct an additional \$2 towards the project. As a result additional repairs and improvements can be undertaken by the same contractor which essentially results in a cost savings

OTHER BUSINESS

There being no further business, the Board entertained a motion to adjourn.

M/S (Luna/Edmund): To adjourn the meeting of the Board of Education at 4:50 p.m. Motion carried unanimously.