



**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
February 11, 2011
Special Teleconference Meeting
Boise, ID**

A special teleconference meeting of the State Board of Education was held February 11, 2011. It originated from the Board office in Boise Idaho. Board President Richard Westerberg presided and called the meeting to order at 3:10 p.m. A roll call of members was taken.

Present:

Richard Westerberg, President
Paul Agidius
Milford Terrell
Don Soltman, Secretary
Emma Atchley
State Superintendent Tom Luna (joined the meeting in progress)

Absent: Rod Lewis and Ken Edmunds

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

Review and Discuss Existing and Potential Legislation Affecting Public Education

- **HB 0016 – Info Tech Systems**

Mark Browning of the Board office presented this item. He introduced Bruce Newcomb from Boise State University (BSU) to provide the details. Mr. Newcomb explained that this legislation relates to information technology. He referred to the part that speaks to consolidating of powers in the Department of Administration. Mr. Newcomb indicated that BSU feels it should be the Board's responsibility to determine how to handle the information technology issue for the institutions, and not one that should be given to the Department of Administration.

Mr. Newcomb explained that BSU would like the Board oppose this legislation. He noted that while the Department of Administration is pushing the bill, there is no sponsor for the bill from the legislature. He reiterated that it appears to be a consolidation of power into an agency and not in the best interest of the Board of Education or the institutions.

Board member Atchley asked for clarification as to what direction, if any, the Board plans to take as it relates to where information technology responsibilities will be housed. Executive Director Mike Rush noted there will be an item on the Board's February agenda that will address a four-phase plan for the postsecondary system. Dr. Rush indicated that in terms of the longitudinal data system, everyone seems to be on board and ready to move ahead. He pointed out that as it relates to the various personnel systems used by the institutions, it is more difficult to coordinate those. Cost is an issue.

M/S (Terrell/Soltman): To officially oppose HB 0016. A roll call vote was taken; motion carried 5-0 (Mr. Luna was not present for this item)

- H106 - Community College Subdistricts, Elections, Finances

Mark Browning presented this item. He reported the bill relates to the formation of community college subdistricts and various duties of the board of trustees. Mr. Browning indicated that Board staff recommends the Board not take a position on this legislation. Following discussion, the Board agreed.

- H123 - Kindergarten Funding

Mark Browning presented this item. Dr. Rush indicated this legislation would de-fund the majority of kindergarten in the state. Board staff recommends allowing this bill to follow the process since it is likely it will fail. If it looks like it will advance, the Board can take a position at that time. The Board agreed.

- S1066 – School Discontinuation Procedures, Exceptions

Mark Browning presented this item. He noted this bill relates to discontinuing a school and certain exceptions related to that. He noted that the legislation has not moved forward as yet. Dr. Rush explained that local school patrons want to be able to vote on whether a school is closed or demolished and not have that be a decision that is left to the local school board. This bill addresses those concerns. It allows schools that have been condemned to be demolished without a vote from the local patrons. Board staff recommends letting this bill follow the process. The Board agreed.

- H104 - Teacher Union Activities

Mark Browning presented this item. This bill provides that the local school boards of trustees shall ensure that employees exclusively perform certain duties. It provides that employees shall not be compensated for any other activity, including labor union or association activities, as part of the duties of any position.

Board member Terrell asked the Board to take a stance on this. Board President Westerberg indicated that this seems to be a local board issue. He agreed it is not a good practice, but a legislative remedy may not be the way to go. Mr. Terrell reiterated that paying a person with state funds to represent an individual group is not a correct practice. Mr. Browning recommended taking a position and suggested it would carry some weight.

M/S (Terrell/Westerberg): To support HB 104 to the fullest extent. A roll call vote was taken; motion carried 4-1-0 (Atchley voted Nay; Mr. Luna was not present for the vote).

- H78 - Mastery Advancement Pilot Program Requirements

Mark Browning presented this item. He noted that this bill amends existing law by revising the provisions related to program participants. It passed the full house this week and will move over to the Senate side. It was noted that this is informational item at this point.

- H118 – Public Education Training for New School Trustees

Mark Browning presented this item. Luci Willits of (SDE explained that this bill amends existing law. It provides that each newly elected trustee of a school district shall undertake and successfully complete a training course designed by the Idaho School Boards Association in conjunction with the State Department of Education regarding public education law, finance and management in Idaho. The bill has been printed, but has not yet had a hearing in the House Education Committee.

State Superintendent Luna joined the meeting at this time. He reported SDE is supportive of this legislation and recommended that the Board support it. He noted that Representative Wendy Jaquet had asked SDE if it would support this bill. Mr. Luna told her it would.

Mr. Browning noted that a question has been raised whether or not this is an unfunded mandate. Mr. Luna explained that professional development is required of teachers and administrators, and it is not viewed as an unfunded mandate. That should be the case here as well. This bill would encourage the local school boards to use their own revenues towards the effort of training and professional development opportunities for their members.

Board member Soltman pointed out that there is a lot of volunteer training available. He asked that before the Board takes a position he would like to know that the Idaho School Boards Association has also taken a position of support.

Board President Westerberg pointed out that until there is a bill to read, he is reluctant to take any position on this item. Board member Terrell wondered if the Board's support of the bill would help get it through the House Education Committee. Mr. Westerberg reiterated that without seeing or reading the bill it would not be good practice to take a position.

Mr. Luna noted his understanding about the concerns expressed; he pointed out that there is a timing issue. He indicated that this bill may not get out of the committee without the Board's endorsement. The bill has been printed and will go before the House Education Committee next week. He suggested that the Board have a special meeting before this bill goes to the House Education Committee. It was pointed out that the Board has its regular Board meeting next week. Mr. Luna asked that this item be put this on the Board agenda for Wednesday, ahead of the Executive Session. It was agreed that would work.

- HB 105 - School for Deaf and Blind

Mark Browning presented this item. He noted that this bill amends existing law to provide that the Idaho Bureau of Educational Services for the Deaf and the Blind is an employer for Public Employee Retirement System purposes. The bill has been through committee and has gone to the full House. No Board action is required; this is an informational item only.

- Senate Bill 1068 and Senate Bill 1069 – School Reform

State Superintendent Luna presented this item. He reported that numerous presentations have taken place along with public comment sessions. After four days of hearings, the Chair of the Senate Education Committee directed SDE to make minor changes to the bills related to the comments made during the hearings. Mr. Luna indicated SDE is currently working on that. He reported that two new bills will be introduced to the Senate Education Committee on Monday, February 14. There is anticipation that there will be committee discussion and a vote on the two new bills on Wednesday, February 15. He urged the Board to support the bills.

Mr. Luna explained that neither of these bills are appropriation bills; they are policy bills. They explain how the money will be divided once the appropriation is made. The formulas in the bill will determine how the money is spent. As it relates to teachers' salaries, Mr. Luna agreed that is one area where it is not formula-driven; rather it is a dollar amount. He pointed out that has always been the case however.

Mr. Luna indicated that public charter schools will have to change the student-to-teacher ratio in the same way that all the other public schools are required to do. He reiterated that all the schools are treated the same.

Mr. Luna said his pleasure is for the Board to endorse the two bills. It was suggested that because there is a possibility that the revised bills will come out under new bill numbers, that the titles be mentioned in the motion and not the bill numbers.

M/S (Terrell/Soltman): To endorse the Labor Relations & Employee Entitlements bill and the Public School Modernization & Reform bill. A roll call vote was taken; motion carried unanimously.

OTHER BUSINESS

As an informational item, Dr. Rush brought to the attention of the Board the issue of staff support for the Charter School Commission. He pointed out that the Board did approve additional staff for this area and the Governor agreed with that recommendation. Dr. Rush indicated that he has heard that JFAC is not optimistic that it can fund the position. Dr. Rush explained that this is of great concern because without additional staff the Board will be at significant risk to do the job with due diligence. Dr. Rush reiterated that he has deep concerns that the entire charter school infrastructure is at risk.

Matt Freeman of the Board office explained that noted that freezing the number of schools that are approved by the Charter Commission or directing that all future charter schools be approved by the districts and not the Charter School Commission will require legislative action.

At this point it was agreed that Dr. Rush will continue to meet with legislators to make sure they understand the critical nature of this issue. He would also like some guidance from the Board. Mr. Luna agreed this has been a good conversation and noted that he would like to explore more options that could be brought to the table and discuss those later on. Dr. Rush thanked the Board members for their interest in solving this problem.

There being no further business a motion to adjourn was entertained.

M/S (Terrell/Luna): To adjourn the meeting at 4:13 p.m. Motion carried unanimously.