



**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**

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**APPROVED MINUTES  
STATE BOARD OF EDUCATION  
February 16-17, 2011  
Boise State University  
Student Union Building  
Boise, Idaho**

A regularly scheduled meeting of the State Board of Education was held February 16-17, 2011 at Boise State University in Boise, Idaho.

**Present:**

Richard Westerberg, President  
Don Soltman, Secretary  
Emma Atchley  
Rod Lewis

Ken Edmunds, Vice President  
Paul Agidius  
Milford Terrell  
Tom Luna, State Superintendent

**Wednesday, February 16, 2011**

The Board met at 9:00 a.m. in the Farnsworth Room of the Student Union Building at Boise State University in Boise, Idaho. Board President Richard Westerberg called the meeting to order.

**By unanimous consent the Board amended the agenda, postponing the consideration of House Bill 118 until after Executive Session item Tab 1.**

**OLD BUSINESS - PLANNING, POLICY & GOVERNMENTAL AFFAIRS**

1. House Bill 118 Public Education Training for New School Trustees  
Postponed until later in the agenda

**EXECUTIVE SESSION**

**M/S (Edmunds/Atchley): To go into Executive Session at 9:15 to consider the following:**

- (1) As Trustees for Lewis-Clark State College, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(a) for the purposes of hiring a public officer, employee, staff member, or individual agent.**

**A roll call vote was taken; motion carried unanimously.**

While in Executive Session, the Board discussed and considered the following:

- (1) As Trustees for Lewis-Clark State College, hiring a public officer, employee, staff member, or individual agent.

**M/S (Edmunds/Agidius): To go out of Executive Session at 2:35 p.m. and take up House Bill 118. Motion carried unanimously.**

## **OLD BUSINESS - PLANNING, POLICY & GOVERNMENTAL AFFAIRS**

### 1. House Bill 118 Public Education Training for New School Trustees

Training is made available to elected trustees through the Idaho School Boards Association. Additionally, there are a number of conferences on various subjects throughout the year available for trustees to attend. While it was felt additional training was a good idea and should be made available concern was expressed over requiring officials that were elected by their local voters to take additional training.

Superintendent Luna informed the Board that the Idaho School Boards Association was not in favor of House Bill 118.

**M/S (Edmunds/Terrell): To not support House Bill 118 – Public Education Training for New School Trustees. Motion carried unanimously.**

## **EXECUTIVE SESSION**

**M/S (Edmunds/Terrell): To go into Executive Session at 2:42 p.m. to consider the following:**

- (2) For the Office of the State Board of Education, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(d) for the purpose of considering documents that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.**
- (3) As Regents for the University of Idaho, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(d) for the purpose of acquiring an interest in real property which is not owned by a public agency.**
- (4) As Regents for the University of Idaho, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(f) to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.**
- (5) As Trustees for Boise State University, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(b) to consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent.**
- (6) As Trustees for Boise State University, to meet in executive session pursuant to Idaho Code Sections 67-2345(1)(b) to consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; and pursuant to Idaho code 67-2345(a)(d) to consider documents that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.**

**A roll call vote was taken; motion carried unanimously.**

**M/S (): To go out of Executive Session at 4:00 p.m. and adjourn for the day. Motion carried unanimously**

While in Executive Session, the Board discussed and considered the following:

- (2) For the Office of the State Board of Education, documents that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.
- (3) As Regents for the University of Idaho, acquiring an interest in real property which is not owned by a public agency.
- (4) As Regents for the University of Idaho, probable and/or pending litigation.
- (5) As Trustees for Boise State University, the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent.
- (6) As Trustees for Boise State University, the evaluation, dismissal, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; and documents that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code.

### **Thursday, February 17, 2011**

The Board convened at 8:45 a.m. at Boise State University in the Simplot Ballroom located in the Student Union Building for regular business. Board President Richard Westerberg called the meeting to order and introduced the agenda. Board member Lewis and State Superintendent Luna joined the meeting in progress.

### **BOARDWORK**

#### 1. Agenda Review

**By unanimous consent the Board agreed to move items on the agenda as follows: add a late item to the Business Affairs and Human Resources agenda, move the Department of Education after the Policy, Planning, and Government Affairs agenda, and move the Business Affairs and Human Resources agenda ahead of the Instruction, Research, and Academic Affairs agenda.**

#### 2. Minutes Review

**M/S (Edmunds/Soltman): To approve the minutes from the December 8-9, 2011 Regular Board meeting, the January 6, 2011 Special Board meeting, the January 21, 2011 Special Board meeting, the January 28, 2011 Special Board meeting, and the February 2, 2011 Special Board meeting. Motion carried unanimously.**

#### 3. Rolling Calendar

**M/S (Edmunds/Soltman): To set February 15-16, 2012 as the date and Boise State University as the location for the February 2012 regularly scheduled Board meeting and to amend the location of the June 15-16, 2011 meeting from the College of Western Idaho to the College of Southern Idaho. Motion carried unanimously.**

Board President Westerberg took time to make comments and acknowledge noteworthy events, activities, and accomplishments taking place on various campuses throughout the state.

**AWARDS**

Jessica Piper of the Board office reported on an event held in Idaho as part of the federal College Access Challenge Grant. The event – Free Application for Federal Student Aid (FAFSA) Completion Event – was a video contest held this year for high school students in Idaho in an attempt to advertise FAFSA. FAFSA is the application used by the federal government to distribute student aid such as the Pell grant, federal work-study, student loans, as well as some scholarships. The prizes in Idaho totaled \$5,000. The following students received awards:

- First Place: Eagle High School – Karlee Bonander and Colton Swanson
- Second Place: Eagle High School – Stephen Fry and Montanna Burke
- Third Place: Eagle High School – Michael Eisenberg and Ashlynn Thompson
- Honorable Mention: Mountain View High School - Julia Upchurch and Brittany Hassis

**OPEN FORUM**

The open forum was postponed until later in the agenda.

**CONSENT AGENDA**

**M/S (Agidius/Edmunds): To approve the consent agenda items as posted. Motion carried unanimously.**

1. BAHR – Section I – Boise State University – New Positions and Changes to Positions

**By unanimous consent, the Board agreed to approve the request by Boise State University for six (6) new positions (5.5 FTE) and increase the term of one (1) position (1.0 FTE) supported by appropriated, grant, and local funds.**

2. BAHR – Section I – Idaho State University – New Positions and Changes to Positions

**By unanimous consent, the Board agreed to approve the request by Idaho State University for six (6) new professional staff positions (6.0 FTE); one (1) new classified staff position (1.0 FTE); and increase the term of one (1) classified position (1.0 FTE) supported by state, local, and grant funds.**

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

**By unanimous consent, the Board agreed to approve the request by the University of Idaho to create five (5) new positions (5.0 FTE) supported by appropriated and non-appropriated funds.**

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

**By unanimous consent, the Board agreed to approve the request by Lewis-Clark State College for five (5) new positions (4.5 FTE) supported by grant funds.**

5. BAHRC – Section II – Boise State University – Geothermal Agreement Phase II with the City of Boise

**By unanimous consent, the Board agreed to approve the request by Boise State University to enter into the Geothermal Service Agreement Geothermal Extension Project Phase II with the City of Boise as submitted in Attachment 1.**

6. IRSA – Quarterly Report: Programs and Changes Approved by the Executive Director

**By unanimous consent, the Board agreed to accept the Quarterly Report on Programs and Changes approved by the Executive Director.**

7. PPGAC – Alcohol Permits Issued by University Presidents

**By unanimous consent, the Board agreed to accept the report as submitted.**

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**

1. Presidents' Council Report

Burton Waite, President of Eastern Idaho Technical College, reported to the Board. He referred the Board members to information in their agenda materials. He noted that the Presidents' Council attended the Higher Education Luncheon on February 2<sup>nd</sup>. Scott Anderson from Zion's Bank in Utah was a speaker at that luncheon. Legislators were in attendance as well. Mr. Anderson spoke about partnerships with business that can help fund and strengthen higher education. Mr. Waite reported that the Presidents' Council expects to have more discussions and ongoing meetings that will include people from various businesses and business organizations in Idaho about how to create those kinds of partnerships in Idaho.

Mr. Waite reported that the Presidents' Council had also discussed collaboration among the institutions related to a general bachelor's degree. As a follow-up of that discussion, the Presidents' Council made an assignment to the Provosts/CAAP to work on this and to bring back recommendations to the Presidents' Council. Mr. Waite noted this effort will help the institutions and the Board to meet the goal of educating the citizens of Idaho.

Board member Edmunds asked if the institutions have a mechanism or guidelines in place to distinguish and report the types of faculty -- adjunct, visiting, tenured faculty, etc. He wondered if the institutions use this information in their planning process in terms of the cost-structure and budget. Mr. Waite suggested that the institutions look at that as strategy in the planning process, but they may not all have a formal report.

Board member Edmunds referred to Board policy related to tenured faculty. He asked if the policy is fully implemented at the institutions. Mr. Waite said EITC does not have any tenured faculty. Dr. Nellis reported that UI has annual reviews of its entire faculty, including tenured faculty.

Dr. Kustra said BSU has the same policy. He noted this topic is germane because many legislators throughout the country are looking for ways to abolish tenure. He noted that tenure is not a protection against poor performance or unacceptable practices. He suggested continued discussions on this would be a good.

Dr. Vailas reported that ISU has a tenure policy. He pointed out that the expectations are not the same across all the institutions and agreed with Dr. Kustra that this is something the Board and universities should be talking more about.

Dr. Fernandez reported that LCSC has policies in place. He noted that a full tenure review is conducted every five years and faculty members are notified when their five-year tenure review is approaching.

Dr. Glandon reported that CWI does not have tenure, but they do semester-by-semester reviews of adjunct faculty and yearly reviews of full-time faculty.

Dr. Beck reported that CSI does not have tenure, but it does have continuous contracts which allow the College to make changes based on the market changes.

Board President Westerberg directed the institutions that do have tenure to send a report to the Board related to Mr. Edmunds inquiry. Mr. Edmunds noted that this is important because of the move to abolish tenure. He would like to see Idaho demonstrate that it is ahead of the issue and proactive. Mr. Westerberg indicated this should come back to the Board as a full report through IRSA.

## 2. Boise State University Annual Report

Dr. Kustra presented his report and began by pointing out that in 2005, BSU put together a strategic plan called Charting the Course. He noted that things have changed significantly since then. BSU is working on a new plan that zeroes in on the areas where it is most cost-effective, including graduate programs. Even though enrollments have been increasing, BSU will have to double its enrollments in order to meet the Board's 60% goal.

Dr. Kustra reported that more freshmen are coming to BSU right out of high school. He noted that BSU also has the highest full-time graduate student enrollment in Idaho. Dr. Kustra pointed out that the number of research awards granted to BSU is the highest ever, which speaks to the high caliber of researchers coming to BSU.

Dr. Kustra reported that BSU relies heavily on its capital campaign in terms of fundraising. BSU is doing everything possible internally to address the problems caused by the funding woes such as putting more students in the classrooms, redesigning courses, decreasing course sections, and eliminating positions. BSU has increased the number of full-time lecturers in order to put more faculty in the classroom as the enrollments grow. BSU continues to look within and is examining its own culture to look at other ways to make changes. It has created the Leadership Academy for faculty and staff to help prepare and involve them in the changes that may come.

Another initiative at BSU is a new core curriculum that focuses on learning outcomes while covering the core curriculum. There is an interest in exploring an alternative calendar as well. Online learning enrollment is increasing. In addition, there are many hybrid models where technology is used in some fashion.

Dr. Kustra pointed out that the state appropriation for higher education in Idaho keeps going down. As it applies to BSU, he suggested that there is clearly a mismatch in that BSU is

getting the lowest portion of funds relative to the number of student FTE. He suggested that the funding should follow the students rather than using the current approach so that it is more equitable. Dr. Kustra urged the Board to meet with the legislature to communicate the seriousness of the problem.

Board member Edmunds raised a question about the cost to students, how students pay for their education, and their debt. Dr. Kustra indicated that the financial aid office can provide information in terms of how many students are paying the whole amount, how many are borrowing, and how many are using financial aid or grants.

Board member Terrell brought up the topic of student enrollment. He noted that BSU is not the only institution that is affected. He suggested that all the institutions are suffering in terms of not having sufficient funds. He asked what the institutions have done collaboratively to rectify the problem. Dr. Kustra indicated that the institutions alone can't seem to convince the legislature to do something different. He noted that the Presidents' Council did meet just prior to today's Board meeting to discuss their concerns and share ideas about how to turn Idaho's higher education system around. He compared Idaho to Utah, which has experienced great success, and wondered why Idaho can't show similar success.

Mr. Terrell urged the Presidents' Council to continue to work on this and come back to the Board with a plan. Dr. Kustra reported that the intention is to bring representatives from the business community to the Board to speak on the topic. They plan to continue working together to find solutions.

Board member Soltman asked if BSU has a good mix of instate and out-of-state enrollments. Dr. Kustra noted that it does have a good mix. He reported that BSU is taking in students from outside the Treasure Valley as well. He pointed out that BSU also has more housing options in place for students who are looking for the residential experience.

State Superintendent Luna asked about the number of freshman coming into BSU who may need remediation even though they are coming in with higher grade point averages. Dr. Kustra agreed to get those numbers for the Board.

### 3. Idaho Division of Vocational Rehabilitation Annual Report

Michael Graham reported to the Board. He discussed the purpose of the agency and the services it provides. Vocational Rehabilitation (IDVR) completed nearly 1,900 successful rehabs this past year. That number is up from last year, but down significantly from 2007 when there were more resources and the economy was better.

Mr. Graham outlined the disability distribution in the state of Idaho. He noted that one disability that hasn't hit Idaho full-force yet is autism. He indicated that as diagnostic methods improve, the numbers for that disability will increase.

Mr. Graham discussed IDVR's FY 2012 budget proposal, noting that the actual appropriation will be based on available revenues. He indicated that the federal dollars may also change. Mr. Graham discussed the coping strategies IDVR has used to deal with the budget constraints. Changes have been made in the program structure based on the budget cuts. The renal disease program is down 38%, the EES program is down 21%, and the rehabilitation program is down 10%.



Mr. Graham explained that areas of risk include reverting federal funding, loss of funds causing failure to meet performance standards and indicators, growing waiting lists, inability to pay competitive wages, a threat of decrease in productivity, and a 22% decrease in client service funds.

The Board thanked Mr. Graham. At this time the Board returned to the Open Forum.

## **OPEN FORUM**

Laurie Kiester, a school teacher from Parma High School, addressed the Board. She shared ideas for addressing the funding issue. She asked the Board to support a bill that increases pleasure taxes. She discussed strategies for change including the formation of task committees within each school, and then within each district, and then statewide. She suggested having exiting exams for ninth graders to identify strengths in order to help direct students into successful careers, and not just four-year degree programs. She encouraged the colleges and universities to work together to help make that happen.

The Board thanked Ms. Kiester and then returned to the PPGAC agenda.

### 4. Idaho Commission for Libraries

Ann Joslin reported to the Board. She noted that even though the Commission for Libraries moved out from under the Board of Education, it continues to focus on education. Ms. Joslin discussed the Commission's newest initiative, Online At Your Library. There was a brief demonstration of the program and its resources to show its many features. Access is available not just at local libraries, but from any computer that has Internet access. In terms of tracking usage, Ms. Joslin indicated that most of the online systems do have a method of keeping statistics. However, it is not a comprehensive tally.

Mr. Luna brought up issues related to online learning such as accountability and filters to protect users, particularly children. Ms. Joslin said that most, if not all public libraries, have Internet Use policies in place. They also fall under Idaho Code having to do with the protection of minors.

### 5. Idaho Professional-Technical Education – Dennis Technical Education Presentation

Ann Stephens of the Division of Professional-Technical Education introduced this presentation. Kyle Kallmeyer, Principal of the Dehryl A. Dennis Technical Education Center in Boise, presented information about the school's Heavy Duty Diesel and Automotive Technology Program. The program recently received national recognition by the Associated Equipment Distributors (AED). Mr. Kallmeyer noted that collaborative partnerships between the Dennis Center faculty, Idaho State University, and industry partners made this award possible. He pointed out that the Dennis Center is the first secondary school in the U.S. to receive this recognition. Mr. Kallmeyer introduced a panel of speakers to give additional details.

Austin Spitzler, a former student in the program and now currently enrolled at CWI shared about how the program at the Dennis Center prepared him for college.

Cody Glaser with Western States Equipment Caterpillar noted that 70% of their employees have a technical job and pointed out that the programs at Idaho State University, Lewis-Clark State



College, College of Western Idaho, and the Dennis Center have done a great job in collaborating with industry to train technicians.

Ivan Bullock from ISU shared that AED and its members work to ensure that schools are able to meet accreditation standards. He noted that the achievement of the Dennis Center has been a process which started about five years ago.

Steve Rayburn of CWI shared that CWI's goal is to provide the best opportunity possible for students as they pursue their careers, and to get more students transitioned directly from high school into the postsecondary program. Mr. Rayburn emphasized the importance of high schools and colleges coordinating schedules in order to share equipment and training aides because it doubles the effectiveness of their budgets and efforts.

Ron Martinez, the instructor of the program at the Dennis Center, shared that he teaches out of the same textbooks used at the postsecondary level so that students receive the same rigorous instruction at the secondary level. Partnerships with industry and postsecondary institutions make it possible to have training aides, materials, and mock ups available to the students at the Dennis Center.

Board President Westerberg thanked the panel. He noted that this is an excellent example of how institutions and programs can work collaboratively across district and regional boundaries, for the benefit of students.

#### 6. Idaho Public Charter Commission Annual Report

Tamara Baysinger, Commission staff, and Dr. William Goesling, Commission Chair, were introduced to update the Board.

Ms. Baysinger explained the role of the Public Charter School Commission in Idaho and discussed the impact of the increased numbers of schools on the Commission. She pointed out that the Commission needs a staff of 6 FTE, but it only has 1.5 FTE. This presents problems.

Ms. Baysinger shared that brick and mortar enrollments are increasing while enrollments in virtual schools are decreasing. The brick and mortar charter schools also seem to out-perform virtual schools in terms of academics. Ongoing oversight by the Commission takes place through annual visits, written reports, and continuous communication with stakeholders. If there is a need for intervention, there is a process that is followed. She noted that more training opportunities for charter school leaders would help to strengthen the schools.

Ms. Cindy Hoovel from the Garden City Community School was introduced to share about its success in overcoming fiscal and academic challenges. She distributed a handout to the Board members and described the different ways the school has partnered with local businesses, parents, students, and stakeholders to maintain the school, and to take it to a point of excellence after a rough start.

Board member Edmunds expressed his disappointment about the lack of local district involvement in charter schools. Mr. Goesling agreed and indicated that the Commission is looking for ways to encourage those relationships to be established.

Mr. Edmunds expressed concern about the serious shortage of Commission staff. Board President Westerberg suggested this concern needs to be expressed so that legislators understand the extent of the problem. Mr. Luna indicated that Department of Education is available to provide some assistance. Mr. Goesling indicated that the Commission is looking to the private sector for some assistance as well.

#### 7. Science, Technology, Engineering and Math Initiatives Report

Allison McClintock of the Board office presented this item. She provided background detail related to STEM in Idaho and highlighted various STEM programs and initiatives currently taking place. Ms. McClintock discussed iSTEM, a coordinated state-wide effort that supports science, technology, engineering and math (STEM) education in grades K-12. She shared how the state has benefited from partnerships with businesses and organizations including the Idaho Engineering Laboratory (INL), Micron, and Hewlett Packard.

Ms. McClintock reported that through various national industry connections facilitated by INL, Idaho is now included in a group of states being supported by the Teaching Institute for Excellence in STEM Education (TIES). With the help of TIES, Idaho STEM stakeholders recently developed the “Learn and Earn Blueprint Design” which outlines a STEM education pipeline that meets the needs of the workplace for Idaho’s industries and businesses. The INL has volunteered to continue helping to make the necessary adjustments to the blueprint so that it meets the needs of the state. Through TIES, the blueprint design will be continuously set forth in front of national funders. Ms. McClintock explained that Board staff proposes putting together a summit of key STEM stakeholders to set the platform from which to design our plan, and perfect this blueprint.

#### 8. Center for Advanced Energy Studies – Bylaws

**M/S (Soltman/Agidius): To approve the Center for Advanced Energy Studies bylaws as submitted. Motion carried unanimously.**

Board member Soltman presented this item.

#### 9. Board Governing Policy and Procedures – First Reading I.J.

**M/S (Soltman/Agidius): To approve the first reading of proposed amendments to Board Policy, Section I.J., Use of Institutional Facilities and Services, as submitted. Motion carried unanimously.**

Board member Soltman presented this item.

#### 10. Boise State University – Naming Former East Jr. High School Site Dona Larsen Park

**M/S (Soltman/Luna): To approve the request by Boise State University to name the former Easter Junior High School site Dona Larsen Park. Motion carried unanimously.**

Board member Soltman presented this item.

11. Idaho State University – Faculty Governance Review Update

Board member Soltman presented this item. He introduced Dr. Phil Cole, Chair of the ISU Faculty Senate, and Dr. Michael Ellis, Co-Chair of the ISU Faculty Senate.

Dr. Cole reported that faculty at ISU requested a vote of confidence on President Vailas. A week ago that vote was taken. Of the eligible voters voting, 76% of them cast a vote of no confidence in against Dr. Vailas. Dr. Cole pointed out that this vote was two years in the making and focused on the over arching issues that have yet to be addressed or resolved. The vote of no confidence was an effort of last resort.

Dr. Cole explained that the restructuring and reorganization of the University were undertaken as a cost-savings effort. While faculty input was involved it was disregarded. The plan for restructuring lacked details and administration has continued to ignore faculty concerns. Dr. Cole suggested that the administration at ISU has disintegrated into chaos.

Dr. Cole emphasized that faculty will always go the extra mile to educate students and give their best in that regard. But, the relationship between faculty and administration at ISU is broken. Dr. Cole reiterated that ISU's administration has no respect or regard for its faculty. The University needs a leader who knows how, and is inclined, to build consensus at ISU. He urged the Board to investigate the situation at ISU and to give faculty the opportunity to speak openly without fear of retaliation. Dr. Cole noted that the issues at ISU affect not just the faculty, but all staff, the students, the community, and the reputation of the University and state.

Board members had no questions for Dr. Cole. They thanked him for his remarks.

Board member Soltman introduced President Art Vailas to address the Board. Dr. Vailas distributed prepared comments to the Board. He noted that he charged by the Board in June 2010 to review the existing faculty governance system at ISU. He explained that several review groups were put together as part of that effort. A faculty committee was also appointed; it produced a report recommending ways to reform faculty governance on the campus. Dr. Vailas acknowledged it has been a long and difficult situation. The University has not been able to come to closure on the shared faculty governance issue despite best efforts over the past nine months.

Dr. Vailas discussed concerns he has about the current Faculty Senate structure and its bylaws. He requested that the Board suspend the current Faculty Senate structure and bylaws, and allow ISU to implement an interim governance structure for the next few months. Dr. Vailas indicated he would bring a proposal for a reconstituted Faculty Senate, including its responsibilities, to the Board in April, or as soon as possible, thereafter.

Dr. Vailas outlined the reasons for his request. He noted that administration needs to continue pursuing a process to review and reform faculty governance at ISU. Dr. Vailas gave assurances that suspending the current Faculty Senate and the bylaws will not present any legal problems, problems with the Board policies and bylaws, or problems with the Northwest Commission on Accreditation. He indicated that in the interim period, ISU will continue faculty governance operations based on a new model. Dr. Vailas emphasized that by taking this step, ISU administration will be able to continue the work that the Board requested them to do. He explained that the structure that is eventually adopted will be well-tuned to ISU's needs.

**M/S (Soltman/Agidius): To suspend the operation and bylaws of the current Idaho State University Faculty Senate; to authorize President Vailas to implement an interim faculty advisory structure; to direct the President to conclude his review of the faculty governance role as he was previously charged; and to bring a final proposal for a reconstituted Faculty Senate to the Board in April 2011, or as soon thereafter as possible. Such proposal should include a charge to the reconstituted Faculty Senate to formulate and present to the President for review and approval a proposed Constitution and bylaws in accordance with Board Policy III.C.2., which should then be presented by the President to the Board for review and approval, at an appropriate date.**

Board member Lewis expressed concern about the open-ended timeline. After discussion, the Board agreed that the motion should be amended to read “and no later than June 2011.” The motion was so amended and the second concurred.

**Amended M/S (Soltman/Agidius): To suspend the operation and bylaws of the current Idaho State University Faculty Senate; to authorize President Vailas to implement an interim faculty advisory structure; to direct the President to conclude his review of the faculty governance role as he was previously charged; and to bring a final proposal for a reconstituted Faculty Senate to the Board in April 2011, and no later than June 2011. Such proposal should include a charge to the reconstituted Faculty Senate to formulate and present to the President for review and approval a proposed Constitution and bylaws in accordance with Board Policy III.C.2., which should then be presented by the President to the Board for review and approval, at an appropriate date. Motion carried unanimously. Motion carried unanimously.**

## **DEPARTMENT OF EDUCATION**

### 1. Superintendent's Update

State Superintendent Luna reported on the Statewide Longitudinal Data System. He noted that the Data Quality Campaign, which is an independent group that monitors states, issued a press release yesterday which reported on the barriers to implementing the essential elements of education. Mr. Luna also shared that Idaho is recognized as a national leader in this regard. He thanked SDE staff and the partners throughout Idaho who have collaborated in this effort.

### 2. Indian Education Program Update

Mary Jane Oatman Wak Wak, the Indian Education Coordinator at SDE, was introduced. Mr. Luna noted that at the national level, in terms of policy development, Ms. Wak Wak serves as the president of the national Indian Education Association. She also serves as the liaison to the U.S. Dept of Education on all issues related to Indian Education.

Ms. Wak Wak reported that, at both national and state levels, the Tribes recognize the need to unify on the issue of education. Ms. Wak Wak noted that she is not only a policy maker, but also a role model to Native American students. She mentioned that before coming to SDE she was a student at Lewis-Clark State College and very involved in student government and campus activities, both of which prepared her for the responsibilities she has now. She noted that Idaho's Indian Education Committee has seventeen members which include five tribal chairs.

Ms. Wak Wak discussed Enduring Understandings, a major effort underway in Idaho geared to ensure that all of Idaho's teachers and students have a lasting understanding for, and appreciation of, Native American culture and history. Enduring Understandings requires resources in order to create standards-driven, tribally-endorsed curricular materials. The Indian Land Tenure Foundation has contributed substantially towards that effort, as have the Idaho Tribes.

Ms. Wak Wak updated the Board on Title VII Programs operating in Idaho schools, on and off the reservations. She also discussed how her position allows her to work collaboratively with local districts and schools.

Ms. Wak Wak explained that the Indian Education policy came by way of the Indian Self-Determination Act of 1975. That is been the impetus of many of the reform efforts currently underway. She pointed out that a number of tribes in other parts of the United States have been successful in establishing and managing their own education operations. While Idaho's tribes have not reached that level, there are beacons of light out there for them to see and be encouraged by.

Ms. Wak Wak emphasized the need for Native American students to be better educated, to see the value of education, and to be successful students at the secondary and postsecondary levels.

Ms. Wak Wak noted that having an Indian Education Coordinator in the Idaho Department of Education is commendable. This has enabled Idaho to move forward significantly at the state and national levels. She also underscored the importance of representation, and encouraged the Board to consider establishing a position on the Board to specifically represent the Tribes.

### 3. Idaho Special Education Manual Update

**M/S (Luna/Terrell): To approve the request by the State Department of Education to amend the Special Education Manual Procedural Guidelines from allowing non-attorneys to represent parties at due process hearings and instead indicating parties have the right to be represented by an attorney and to remove the timeline from consent to IEP implementation. Motion carried unanimously.**

### 4. Weiser School District No. 431 – Tuition Waiver

**M/S (Luna/Terrell): To approve the request by Weiser School District No. 431 to waive a portion of the tuition rate charge for each individual student attending Weiser High School from Annex School District in Oregon for the 2010-2011, 2011-2012, and 2012-2013, 2013-2014 school years, subject to annual review by the Weiser School District Board of Trustees. Motion carried unanimously.**

### 5. Brigham Young University-Idaho – Agriculture Education Focused Review Team Report

**M/S (Luna/Terrell): To accept the Professional Standards Commission recommendation and to approve the Agriculture Education program at Brigham Young University-Idaho. Motion carried unanimously.**

### 6. Appointments to the Idaho State Curricular Materials Selection Committee

**M/S (Luna/Atchley): To approve the request by the State Department of Education for Wendy Perry Ruchti to be appointed to the Idaho State Curricular Materials Selection Committee, effective immediately through June 30, 2015. Motion carried unanimously.**

**M/S (Luna/Atchley): To approve the request by the State Department of Education for Dana Bradley to be appointed to the Idaho State Curricular Materials Selection Committee, effective immediately through June 30, 2015. Motion carried unanimously.**

7. Idaho Professional Standards Commission 2009-2010 Annual Report

Mr. Luna introduced this item and noted it is an informational item. Materials related to this item are included in the Board's agenda packet.

At this time, Mr. Luna was excused from the remainder of the meeting in order to meet with the Senate Education Committee.

**BUSINESS AFFAIRS AND HUMAN RESOURCES**

**Section I – Human Resources**

1. Boise State University – Employment Agreement – Head Women's Basketball Coach

**M/S (Terrell/Agidius): To approve the request by Boise State University to execute a multi-year employment contract with Gordon Presnell for Head Women's Basketball Coach for a term commencing April 1, 2010 and terminating March 31, 2015. Motion carried unanimously.**

Board President Westerberg asked that peer data be included in the future when coach salary proposals are brought forward.

Board member Agidius noted that the Athletic Committee was not notified prior to these items being put on the agenda. He has asked that be rectified in the future.

2. Idaho State University – Employment Agreement – Head Football Coach

**M/S (Terrell/Lewis): To approve the request by Idaho State University to execute a multi-year employment contract with Michael Kramer for Head Football Coach for a term commencing November 22, 2010 and terminating January 21, 2015. Motion carried unanimously.**

3. Office of the Idaho State Board of Education – Supplemental Plan for Highly Compensated Employees

**M/S (Terrell/Soltman): In accordance with Section 8.1 of the Idaho State Board of Education Supplemental Retirement Benefit Plan (the "Plan"), a motion to amend the Plan as follows:**

- (1) Add the following sentence to the end of Sections 4.1 and 4.2: "No further Plan Contributions shall be made to the Plan or accepted by the Plan effective January 1, 2011, pending review of tax requirements applicable to the Plan."**



**(2) Add the following sentence to the end of Sections 4.5 and 4.6: “No transfers or rollovers shall be made to the Plan or accepted by the Plan effective January 1, 2011, pending review of tax requirements applicable to the Plan.”**

**Motion carried unanimously.**

**Late Item**

Boise State University – Contract Payment Adjustment – Chris Petersen

**M/S (Terrell/Edmunds): To approve the request by Boise State University to make the following payments to Chris Petersen:**

**(1) A one-time payment in the amount of \$50,000 based upon performance; and**

**(2) An increase to his base salary in the amount of \$35,000.**

**These revisions shall be incorporated into an amended multi-year employment agreement between BSU and Chris Petersen, to be approved by the Board at a later date.**

**Motion carried 5-2 (Soltman and Agidius voted Nay).**

Board member Agidius agreed that while Coach Petersen has done a great job, he is concerned that this is a deviation from Board policy. Gene Bleymaier of BSU was invited to comment. Mr. Bleymaier noted Mr. Agidius' concern. To give perspective to this request, Mr. Bleymaier pointed out that Coach Petersen is the most successful collegiate coach in the United States and has been consistently courted by other schools; this year it was Stanford. Mr. Bleymaier explained the salary adjustments are merit-based payments. He noted that the \$50,000 is a one-time payment in addition to his contract-based additional-pay-for-performance, bringing the total to the same amount that would have been paid under the contract if the team had participated in any one of the five BCS bowl games. Mr. Bleymaier noted that the \$35,000 is an increase to Coach Petersen's base salary.

**Late Item**

BAHR – Spending Reduction Plan for FY 2012

**M/S (Terrell/Atchley): To approve the education shortfall allocation plan as presented.**

**Substitute M/S (Lewis/Soltman): To approve an allocation plan for the 5% reduction that would apply the reduction across the board. Motion carried unanimously.**

Matt Freeman provided background information related to this item. He explained that the Board had approved the FY 2012 budget line items request for the agencies and institutions at the August 2010 meeting. On February 11, 2011 the Legislative Services Office requested that agencies and institutions submit a fiscal impact analysis of a 5% General Fund budget reduction for FY 2012. Mr. Freeman discussed the 5% reduction and its impact on the Health Education programs and the Scholarships and Grants program. He referred Board members to the additional details as presented in the Board agenda materials. Mr. Freeman explained that the shortfall allocation plan will hold harmless the Health Education program budgets in order to maintain current commitments. The allocation plan would also preserve funding for state scholarships and grants in order to sustain the current level of state aid.

Board member Lewis pointed out the difficulty in considering and voting on these motions without more time to understand the impact of these actions. Mr. Freeman noted that a policy decision has not been made; but there is a need for guidance. Board President Westerberg indicated he understands the concerns related to the health education programs. Mr. Freeman



said that discussions on how the colleges and universities would manage the health education cuts have taken place to some extent.

Board member Soltman asked if the WWAMI contracts have been cut and students have been notified. Mr. Freeman said some have. Board member Lewis clarified that this wouldn't reduce the numbers of students; it would increase the costs for the students.

Following discussion, Mr. Lewis made a substitute motion.

## **Section II – Finance**

### 1. Intercollegiate Athletics – Financial Reports

Board member Terrell introduced this item. Board member Lewis raised a question about fund balances and Board policy related to negative balances. He asked about UI and its negative fund balance.

Lloyd Mues of UI discussed the revenue increases. He noted that there is a small increase that results from increases in the student activity fees. In addition, there have been changes related to ticket sales, the Lear Field services, and also an increase in the gender equity funds going to athletics. Keith Ickes, the Director for Planning & Budget at UI explained that the increase in expenditures related to the Lear Field contract. He pointed out that the gross ticket revenues and all the expenditures are a programmatic change. In addition, the ticket office was moved and now the full ticket activity is shown where it wasn't before. Mr. Ickes explained that the coaches' salaries and benefits went up, as well as the equipment and supplies.

**Mr. Lewis suggested that the Board direct UI to come back with a recovery plan in April. Board President Westerberg directed UI to do so.**

### 2. Intercollegiate Athletics – Employee Compensation Reports

Board member Terrell introduced this information item.

### 3. Intercollegiate Athletics – Gender Equity and Athletics Limits Reports

**M/S (Terrell/Lewis): To waive application of Board Policy III.T.3., and to freeze the general education funds and institutional funds limit for athletics at the FY 2011 level, and to freeze the general education funds above the limit allocated for gender equity costs at the FY 2010 level. Motion carried unanimously.**

Board member Terrell introduced this item.

Board member Soltman clarified that his understanding that action on this time would be of a temporary nature until there is an audit. Mr. Terrell confirmed that was the case. He noted that following a review and recommendations by the Audit Committee, other action could take place.

Board member Agidius asked about the impact on budgets approved by the Legislature. Matt Freeman noted the athletic limits are set by Board policy and the appropriation won't affect this either way.

Board member Agidius asked about the timeline. Mr. Terrell noted there isn't a timeline as yet. He suggested the need to address it as soon as possible, however in order to be diligent.

Board member Lewis shared that this topic is very confusing. He suggested it would be beneficial to take some time to review the historical record related to gender equity funds so that everyone understands how events unfolded. As a long-time member of the Board, Mr. Lewis went on to discuss his understanding about the Board set policies back in 1998. At that time, the Board set the amounts of general education funds and institutional funds for the institutions with the understanding that the institutions would have to deal with Title IX, related to women's sports. In order to comply with Title IX, the Board allowed the institutions to direct gender equity funds towards adding new women's sports.

Mr. Lewis pointed out that before 1998, women's programs were part of the whole picture of athletics and not singled out. The problem now is that some of the institutions think gender equity applies to all of women's sports, not just new women's sports. He suggested that is where the confusion lies. Mr. Lewis urged the Board to look at gender equity as covering those women's sports above the 1998 base, and not all women's sports. He suggested the system won't work without a base. The Board could establish a new base.

4. Amendment to Board Policy – Section III.T. – Intercollegiate Athletics – First Reading

**By unanimous consent, this item was pulled to allow for more study. It will be brought back to the next Board meeting.**

Following discussion, the Board agreed it needed more time to study this item before moving forward.

5. Amendment to Board Policy – Section V.D. – Fiscal Officer, Banking, and Investments – Second Reading

**M/S (Terrell/Agidius): To approve the second reading of proposed amendments to Board Policy Section V.D., Fiscal Officer, Banking, and Investments, and to strike the word “schools” in the policy as noted on Page 4 paragraph 7.c Tab 5. Motion carried unanimously.**

Stacy Pearson of Boise State University explained that this policy proposal mirrors the policy of the state in order to be consistent with what the state allows.

6. Amendment to Board Policy – Section V.R.3.a.v. – Self-Support Certificate and Program Fees – Second Reading

**By unanimous consent, this item was pulled from the agenda. It will be returned to CAAP for further review.**

7. Amendment to Board Policy – Section V.R.3. – Definitions and Types of Tuition and Fees, and Section V.Q.1. – Revenue Deposited Into Account – Second Reading

**M/S (Terrell/Edmunds): To approve the second reading of proposed amendments to Board Policy Section V.R.3.a., and Section V.Q.1.a., as submitted to be effective on the enactment of House Bill 20. Motion carried unanimously.**

**8. Boise State University – Micron Engineering Center – Infrastructure Improvements**

**M/S (Terrell/Soltman): To approve the request by Boise State University to proceed with design and construction of lab and infrastructure upgrades of the MEC building for a total cost not to exceed \$2,093,683. Motion carried unanimously.**

Stacy Pearson noted that the Micron Engineering Center (MEC) is in the expansion zone. This facility supports many different disciplines within the College of Engineering.

**9. Boise State University – iStrategy Software Licensing and Maintenance Fees**

**M/S (Edmunds/Agidius): To reconsider the motion of January 6, 2011, wherein the request to approve a one-time payment of iStrategy licensing and implementation fees and an annual software maintenance fee was rejected. Motion carried unanimously.**

**M/S (Terrell/Soltman): To approve the request by Boise State University for a one-time payment of iStrategy licensing and implementation fees of \$330,000 and an annual software maintenance fee of \$42,000 for FY 2011. Motion carried unanimously.**

**10. Boise State University – Design Approval – Bronco Stadium Expansion, Phase I**

**M/S (Soltman/Edmunds): To approve Boise State University's request to proceed with preliminary design for Phase I of a project to expand Bronco Stadium and move the track and field facilities to Dona Larson Park at a project cost not to exceed \$2,460,000. Motion carried 6-0 (Mr. Terrell did not vote on this item due to a possible conflict of interest).**

Dr. Kustra presented this item. He explained there will be a series of steps taken in the University's expansion effort. He emphasized the expansion of Bronco Stadium is not only about the quality of the athletic program, but also the quality of the University. He introduced Stacy Pearson and Gene Bleymaier to provide additional details.

Gene Bleymaier addressed the long range vision of the expansion effort and noted it takes place phases, and as demand and funding allows. Currently, BSU has the smallest stadium in the top 25 programs in the country. This puts a ceiling on BSU in terms of attracting recruits, growing the program, and bringing in additional revenues.

Stacy Pearson discussed the Phase I Design which includes Dona Larsen Park improvements. She noted that local high schools will use Dona Larsen Park for their football games. The seating capacity for the Dona Larsen Park is 5,000. Ms. Pearson indicated that Phase I also includes the Athletic/Football Complex. She discussed the budget estimates for Phase I and noted that the fundraising strategy includes pledges as well as a fundraising campaign that continues through 2013, or until the total project cost is completely funded.

Ms. Pearson reviewed the debt service assumptions BSU has made related to this project. Board member Lewis asked about the debt assumptions and the plan for BSU and the source of funds to repay the debt. Ms. Pearson indicated it would come from the athletic funds that would be eligible for debt repayment.

Board member Edmunds asked about the pledge plan and its impact on BSU's Capital Campaign. Ms. Pearson noted the expansion project is part of BSU's comprehensive campaign plan. The phases are set up to take into consideration things like disruption and fundraising.

11. Idaho State University – Holt Arena Turf Replacement

**M/S (Terrell/Agidius): To approve the request by Idaho State University to proceed with the replacement of the existing turf in Holt Arena at a project cost of approximately \$975,000; and to authorize the Vice President for Finance and Administration to execute all necessary related documents. Motion carried unanimously.**

12. Idaho State University – Upgrade Quest TDM and ATM Services

**M/S (Terrell/Edmunds): To approve the request by Idaho State University to proceed with the Qwest Metropolitan Optical Ethernet (QMOE) contract as submitted, in an amount not to exceed \$1,136,256. Motion carried unanimously.**

13. University of Idaho – Starbucks at UI Bookstore

**M/S (Terrell/Agidius): To approve the master licensing agreement for a coffee service location between the University of Idaho and Starbucks Corporation in substantial conformance to the form submitted to the Board. Contained within this motion is a request by the University of Idaho to implement a Capital Project to improve an upgrade to the Bookstore to facilitate this retail operation in an amount not to exceed \$528,000. Authorization includes the authority to execute all necessary and requisite consulting, construction, and vendor contracts to implement the design and construction phases of this project. Motion carried unanimously.**

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**

**By unanimous consent, the Board agreed to consider item 3 first.**

3. Idaho WWAMI Admissions Oversight Committee Appointments

**M/S (Edmunds/Atchley): To approve the appointment of Dr. Glenn Jefferson as an Idaho member of the WWAMI Admissions Committee for a term of three years effective July 1, 2011 – June 30, 2014. Motion carried unanimously.**

**M/S (Edmunds/Agidius): To approve the appointment of Dr. Leanne Rousseau as an Idaho member of the WWAMI Admissions Committee for a term of two years effective July 1, 2011 – June 30, 2013. Motion carried unanimously.**

Dr. Mary Barinaga was introduced to present this item. She is a member of the Idaho Admissions Committee. Formerly she practiced family medicine in Plummer, Idaho. Dr. Barinaga discussed the search for new members for the committee and presented the credentials of the candidates being considered for appointment to the committee for the benefit of the Board.

Dr. Barinaga discussed the process for accepting applicants to WWAMI each year. There are a number of screening processes that determine who gets an interview by the Admissions

Committee. Several criteria, including personal characteristics, knowledge of medical field, motivation, maturity, and communication skills are used by the Admissions Committee. Accepted applicants are notified and offered admission, and the process continues until all 20 seats are filled.

1. University of Idaho – Approval of Full Proposal – Doctorate, Athletic Training

**M/S (Edmunds/Agidius): To approve the request by UI to create an advanced clinical Doctorate in Athletic training as set forth in the attached full-proposal.**

**Subsidiary M/S (Lewis/Terrell): To postpone this item to allow IRSA and CAAP more time to study this proposal and to bring it back to the Board in April. Motion carried 5-2 (Agidius and Atchley voted Nay).**

Provost Doug Baker from the University of Idaho presented this item. Dr. Baker noted this is a self-sustaining program and the program has been reviewed by CAAP. He introduced Dr. Corrine Mantle-Bromley, the Dean of the College of Education, Dr. Kathy Browder, the Department Chair of Movement Sciences at the College of Education, and Jeff Seegmiller, Assistant Professor of Athletic Training and WWAMI faculty member, to provide additional details.

Dean Bromley outlined the details of the degree. It is a clinical doctorate. If it is approved at this time, it will become the first degree in the nation for athletic training. The degree is a six semester program and requires full-time attendance so it can be done in two years. Dr. Bromley reported that the proposal went through intense scrutiny by the College of Education, the University Faculty Senate, two external experts in the field, the Provost, and the Vice President of Finance.

Dr. Seegmiller discussed the particulars of the program. The program has a model that allows for measures to be made of the outcomes. Dr. Browder spoke about the rigor of the program. She explained that work has been underway for three years to make sure it has the rigor it needs. It is in accelerated format. She pointed out that it is a clinical doctorate, not an academic doctorate, and explained the differences for the benefit of the Board.

Board President Westerberg asked about the demand and need for the program. Dr. Browder indicated that they looked at the demand and, based on the labor market demand analysis, the conservative estimate is that there are currently 30,000 people nationwide who would be eligible for this program. In addition, the commensurate financial reward will be significant.

Board member Lewis raised a question as to whether this program really rises to the doctorate level. He expressed concern about going down a path that demeans the degree. He emphasized that his struggle is that it is a clinical doctorate, and only a two-year program. He suggested that it lacks the intensive academic component.

Dr. Browder noted this is an advanced clinical doctorate in comparison to an entry level clinical doctorate. She made a point that athletic training is in transition nationwide, and this is a response to that transition. She explained again that the clinical doctorate differs from other doctorates, and gave some comparative information to help the Board better understand the concept.

Dean Bromley explained that throughout the program there will be intensive coursework that relates to each person's practice. Dr. Seegmiller pointed out that the requirements of the program means that students coming into it must have met all the requirements of the practice. In terms of the curriculum, Dr. Seegmiller indicated that students must have foundational courses as part of their undergraduate degrees. At the doctorate level, students will be taking advanced courses and also conducting research in their related fields as part of that coursework. Dr. Browder reiterated that the standard competencies for accrediting programs demand that the rigor is high. Students must also be credentialed and certified by the national board.

Based on the discussion, Board member Lewis asked if it was possible to postpone this item in order to have time to better understand the scope and nature of the proposal. A subsidiary motion was made for that purpose.

At this time, Board member Mr. Agidius was excused to catch his plane.

## 2. P20 to Workforce Statewide Longitudinal Data System (SLDS) Needs Assessment

**M/S (Edmunds/Terrell): To accept the recommendations and direct staff to move forward with Phase 1 and Phase 2 for a P-20W SLDS as outlined in the needs assessment. Motion carried unanimously.**

**M/S (Edmunds/Terrell): To approve that the Board form a Data Management Council as outlined in the needs assessment and authorized the Executive Director to determine the composition and appoint the members of said council. Motion carried unanimously.**

Selena Grace and Andy Mehl from the Board office presented this item. Mr. Mehl discussed the needs assessment that was conducted. He outlined the recommendations that came from the needs assessment and noted is a four-phased approach that would take place over time.

Mr. Mehl explained that Phase 1 would require the development of a postsecondary repository and link to the K-12 Longitudinal Data System for a P-20 Longitudinal Data System. Phase 2 would require maturation of the P-20 Longitudinal Data System environment. Phase 3 would require finalization of the design and implementation of a complete postsecondary data warehouse. And, Phase 4 would be the final stage; transforming to a P-20W Longitudinal Data System with Business Intelligence solutions.

Board member Edmunds noted that the funding aspect of this effort is daunting. It will be necessary to look at every option along the way to pay for it.

## **AUDIT COMMITTEE**

### 1. Idaho State University – Single Audit Report

**M/S (Lewis/Terrell): To accept from the Audit Committee the Fiscal Year 2010 financial audit report for Idaho State University, as presented. Motion carried unanimously.**

Board member Lewis noted that an Audit Committee meeting was held recently. A number of recommendations came from the auditors regarding Idaho State University. He reported that

Jim Fletcher from ISU was at the Audit Committee meeting and provided information as requested.

**OTHER BUSINESS**

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

**M/S (Terrell/Atchley): To adjourn the meeting at 5:30 p.m. Motion carried unanimously.**