



**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 25, 2011
Special Teleconference Meeting
Boise, ID**

A special teleconference meeting of the State Board of Education was held February 25 2011. It originated from the Board office in Boise Idaho. Board President Richard Westerberg presided and called the meeting to order at 3:00 p.m. A roll call of members was taken.

Present:

Richard Westerberg, President
Don Soltman, Secretary
Emma Atchley
Milford Terrell

Ken Edmunds, Vice President
Paul Agidius
Rod Lewis
State Superintendent Tom Luna

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

Review and Discuss Existing and Potential Legislation Affecting Public Education

- ***HB0188 – State Lands, Lease, Business Sales – Fund Distributions***

M/S (Terrell/Soltman): To oppose HB 188. A roll call vote was taken; motion carried unanimously.

Board member Soltman introduced this item. Tracie Bent of the Board office provided background information. She introduced Kent Nelson from the University of Idaho and Kathy Opp of the Department of Lands to discuss additional details.

Board member Atchley asked for clarification as about this legislation. It was noted that the Department of Lands along with lobbyists for higher education have indicated this legislation is not a good one for the Board of Education to support. Kent Nelson pointed out that this legislation would inhibit the ability of the Land Board to maximize the return on this, and other land purchases, which is its constitutional mission.

Mr. Luna indicated that this legislation came about as a result of the Land Board purchasing property that included a for-profit business that will be operating under a government contract. It restricts the Land Board's ability to be involved with commercial

properties. Mr. Terrell gave examples where the state is already involved in private sector business, including Correctional Industries.

Mr. Nelson explained that it is important for the Land Board be able to diversify its portfolio and holdings. This legislation would make it very difficult for the Land Board to be flexible. Another issue relates to the utilization of endowment land. He indicated that the Land Board does not intend to operate as a business, but there are business aspects of endowment lands. He introduced Kathy Opp to give more details.

Kathy Opp explained that there are differing opinions on this legislation and the issues it relates to. She indicated that the Department of Lands is not asking the Board of Education to lobby against the legislation, but it does want to keep the Board of Education informed.

Mr. Luna indicated that this legislation is probably an over-reaction to the fact that the storage unit and business were acquired at the same time. He suggested that this bill limits the Land Board's ability to purchase commercial property; that is justification for the Board of Education to oppose the legislation. Dr. Rush noted that he had spoken about this issue with the Governor. He indicated that the Governor recognizes that this is an unusual situation; and he does oppose this legislation.

- ***SB1111 – School Bus – Sale of Advertisements Authorized***

Tracie Bent explained that this legislation directs the Board to promulgate rules authorizing local Boards of Trustees to sell advertizing space on school buses. Should this legislation pass and be signed into Law, the Board can expect to see such rules coming through.

- ***SB1105 – Student Harassment/Bullying – Educational Effort***

Tracie Bent explained that this legislation strengthens Idaho's existing anti-bullying laws by ensuring that districts, schools, and school personnel have a role in preventing and intervening in bullying should it occur. Changes further define intimidation, harassment, and bullying. It also adds standard language relating to the commission of an infraction. This legislation indicates that a third offense would be a misdemeanor and provides the schools more tools for addressing repeat offenders.

Mr. Luna indicated that the Department of Education's concern with this legislation is that it waits until the third violation before raising the offense to the level of a misdemeanor. He noted this is in the amending order, so until it comes out of the amending order it would be premature to take a position on it at this time.

At this time the Board entertained a motion to go into Executive Session.

EXECUTIVE SESSION (Closed to the Public)

M/S (Edmunds/Agidius): To go into Executive Session at 3:20 p.m. to consider the following:

As Regents for the University of Idaho, 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. A roll call vote was taken; motion carried unanimously.

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

While in Executive Session the Board, acting as Regents for the University of Idaho consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.