



**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
September 9, 2011
Special Teleconference Meeting
Boise, ID**

A special teleconference meeting of the State Board of Education was held September 9, 2011. It originated from conference room 302 of the Len B. Jordan building in Boise Idaho. President Richard Westerberg presided and called the meeting to order at 2:00 p.m. A roll call of members was taken. Rod Lewis joined the meeting at 2:05 pm.

Present:

Richard Westerberg, President
Emma Atchley
Milford Terrell
Tom Luna

Ken Edmunds, Vice President
Don Soltman, Secretary
Bill Goesling
Rod Lewis

BUSINESS AFFAIRS & HUMAN RESOURCES (BAHR)

1. University of Utah School of Medicine Contract

Discussion:

Mr. Terrell introduced the item and indicated the item is an amendment to the University of Utah School of Medicine contract. Mr. Terrell reported that the BAHR Committee has no discussion on this item at this time.

BOARD ACTION

M/S (Terrell/Soltman): I move to approve the three-year contract between the University of Utah School of Medicine and the State Board of Education as submitted, and to authorize the Executive Director of the State Board of Education to execute the contract on behalf of the Board.

Further discussion was initiated by Board member Bill Goesling. He offered a series of questions related to the item. The questions are as follows:

1. What are the costs of this program compared to the costs of the WWAMI program?

2. What is the graduation rate at the University of Utah as well as the WWAMI program?
3. What is the number of graduates from each program that return to the state of Idaho to practice?
4. What is the number of Hispanic and Native American Indians who have participated or who are participating in the program?

Milford Terrell indicated that much of Mr. Goesling’s questions had been considered in the five-year study done on the University of Utah School of Medicine. Mr. Terrell also indicated that the committee has a total breakout of the requested data and that Matt Freeman would be able to elaborate. Mr. Freeman commented that there is data available that would answer Mr. Goesling’s questions in detail. He did comment that there was not data on the number of returning students to Idaho because the University of Utah does not track them. Mr. Freeman indicated he would need to contact the University of Utah to get the demographic data. He also commented that Idaho is a net importer of University of Utah School of Medicine graduates.

President Westerberg asked that Mr. Goesling be supplied with the data to answer his questions at a later time given the Committee had already reviewed the data in entirety before proposing the contract amendment. Mr. Terrell reiterated to Mr. Goesling that the areas of concern brought forward had previously been reviewed and addressed as part of the evaluation process by the BHR Committee. Mr. Terrell also pointed out that the language in the contract had previously been approved by the Board and that today they were simply making a slight amendment to that language. No further questions were discussed.

A roll call vote was taken and the motion was unanimously passed.

2. Boise State University – Construction of Dona Larsen Park Facilities

BOARD ACTION

M/S (Edmunds/Goesling): I move to reconsider the motion of August 11, 2011, wherein the request to approve Boise State University’s request to construct facilities and improvements for Dona Larsen Park was rejected.

Discussion:

Given today’s motion is to reconsider the motion from August 11, 2011, Don Soltman asked the Board what had changed between August and now. Milford Terrell proceeded to introduce Stacy Pearson and others from Boise State University (BSU) to respond on what they had done since the motion was previously before the Board in August.

A roll call vote was taken and the motion passed unanimously.

Further discussion was initiated by Milford Terrell who introduced Stacy Pearson from Boise State University to talk about the construction of Dona Larsen Park. Ms. Pearson introduced Associate Vice President and General Counsel Kevin Satterlee, Associate Vice President of Campus Planning and Facilities James Maguire and Executive Director for Finance and Planning Jared Everett from Boise State University. Additionally from the Boise School District, Board President AJ Balukoff, Deputy Superintendent Pete Bailey and the School District’s Athletic Director Matt Kobe.

Stacy Pearson provided an overview of how they arrived at the current point from where they were at the last Board meeting in August. Ms. Pearson indicated that they went through various processes and approvals with the School District, Boise City and the Ada County Highway District (ACHD) to arrive where they are currently in the process. Ms. Pearson reminded the Board that in February they did approve Boise State University's request to enter into the design phase of the project. Consequently, the University Staff are present today to seek approval to proceed with construction under the design build contract.

James Maguire provided a process overview where Boise State University worked with the Division of Public Works and also retained a design build construction team for the project. He commented that in keeping with the joint use agreement with the Boise School District, they arrived at a design for the use of the Dona Larsen Park. In conjunction of the design of the park, they also reviewed traffic plans with ACHD and went through the conditional use permit process with the City of Boise. The plan before the Board has 81 parking spaces on the site which is sufficient to meet the parking needs of 90% of 260 events that are projected to be on an annual basis at the site. For the 26 other events which are large high school and state track meets, Boise State has put together a more detailed parking and pedestrian mitigation.

Ms. Pearson interjected that they changed the agenda item, contained in the materials provided to the Board for this meeting, to summarize the details of the parking plan and also added an attachment which details a parking and safety plan

Jared Everett walked the group through attachment 7 of the materials referenced that was a PowerPoint handout noting the high points of the Dona Larsen Park transportation and parking management plan. Mr. Everett commented that they had met with the Neighborhood Association, ACHD, the City of Boise Planning and Zoning Department. He indicated the entities who were met with were in support of the project. Mr. Everett confirmed that roughly 10% of the events that will occur on site cannot be accommodated completely with on-site parking. Consequently, Mr. Everett pointed out that adjacent and proximate parking is being provided and those lots are connected by a shuttle route. Mr. Everett continued with discussion of six reference points from the handout in detail, as well as benefits to school districts using the park.

Stacy Pearson reminded the Board that throughout discussions with the School District, the District has made clear their preference for the land use agreement conditions over other options, in that the District has the ability to utilize the facilities at the Dona Larsen Park as well as Bronco Stadium for District high school football games and track meets.

Bill Goesling thanked BSU and the School District for their efforts since the last board meeting. Mr. Goesling further asked how this decision would apply to the Board's 60% goal and gender equity concerns. Ms. Pearson indicated that by having these facilities, it would attract students to come to the university and to stay and complete their course of study. With regard to the gender equity issue, this facility certainly provides additional facilities to support women's track and field and potentially women's soft ball, as well as practice and competition facilities for other sports.

Milford Terrell asked if the University would be charging for use of the URS parking lots. Mr. Everett indicated yes, and that the School District has the option to use savings through their agreement with BSU and could elect to subsidize the cost of parking, making it free. Pete

Bailey, Deputy Superintendent from Boise School District offered comment and indicated they were pleased by their level of involvement with Boise State to be a part of the traffic management plan and are very supportive of BSU's plan overall. He further stated it is the District's intent to utilize the equity of the School District from the land exchange so that patrons will not have to pay for parking for the events at Dona Larsen Park.

Emma Atchley asked the School District how other school districts wanting to use the facilities would be treated. Mr. Bailey commented that should they be hosting an event where an out of town team attended, they would certainly work with the athletic directors and principals of each school on how to access the facility and parking. Additionally, there would be no cost to those out of town school districts. Mr. Kobe offered comment that state events are run by Idaho High School Activities Association (IHSAA) and they are in discussion of how the Dona Larsen facility would be used for such events.

Mr. Lewis asked Ms. Pearson if there was an agreement with the School District to use Dona Larsen Park or if the stadium would also be available. Ms. Pearson stated that the School District could use either the Dona Larsen Park or the stadium at BSU if it was available, and that it will remain an option for the schools. Mr. Lewis expressed concern about a university providing a venue for high school football and other activities. Ms. Pearson commented that it was a collaborative effort between the university and the school districts to collaborate on these types of operations. At the time it was considered positive interaction between partners. Mr. Satterlee offered a short term answer that the School District, by statute, could not sell the site to the University, and entered into a land exchange instead. Additionally, Mr. Satterlee also offered a long term answer that historically, for over 50 years, high school football has been played at the stadium and it has been traditional to do so.

Mr. Satterlee additionally clarified that the School District will use its equity first and then enter into a rental agreement for use of the facility. Mr. Lewis asked who would be carrying responsibility for safety and other problems. In response, Mr. Satterlee offered that from the agreement as currently written, BSU manages the facility and the School District manages the event. Summarily, Boise State University will be responsible for their own acts and omissions and the School District will be responsible for their own acts and omissions. Additionally, Mr. Satterlee commented that this agreement has been considered as an acceptable safety plan.

Mr. Terrell asked for a statement for the record by the School District of what Mr. Satterlee commented on. Mr. Pete Bailey said as a representative of the School Board that they are in agreement with Mr. Satterlee, and they are working together on the specifics of an operation plan for events. Mr. Edmunds asked if an indemnification clause could be included in contractual arrangements. Mr. Lewis agreed with the suggestion and commented it should be a condition of the agreement. Milford asked for a response from the School District on that comment. Mr. Bailey pointed out the section of indemnity in the current paperwork between the School District and the University and read the language for the group.

Mr. Luna asked how safety incidents have been dealt with in the past. Kevin Satterlee indicated there had not been a claim thus far. Mr. Lewis suggested that the motion should include language that that the district is taking responsibility for the safety zones along with the indemnification language.

Mr. Terrell asked for a statement from the School District. Mr. Bailey indicated the School District's legal representative was not present, and recommended further review of any legal details by their counsel before a statement of record be made.

Further discussion around the use agreement between the University and the School District took place. For clarification with regard to the motion, Mr. Lewis asked if there is a use agreement that falls into place automatically between the university and the Boise School District with respect to the Dona Larsen Park if construction is approved. In response, Mr. Satterlee indicated that a new use agreement would need to be entered into. He clarified that there is an underlying land swap that builds some of the framework for a use agreement, but historically and going forward, they have an annual lease agreement that they sign with the School District allowing use of the stadium.

Mr. Lewis offered an amended motion.

BOARD ACTION: (Revised Motion)

M/S (Lewis/Terrell): I move to approve Boise State University's request to construct facilities and improvements for Dona Larsen Park for an amount not to exceed \$6 million. **And hereby authorize Boise State University to enter into a use agreement with the Boise School District provided the Boise School District provides appropriate indemnification, safety and security services, and appropriate co-insurer protection for Boise State University all in relation to Boise School District's use of the Dona Larsen Park facilities and associated parking facilities provided by Boise State University.**

Discussion:

Mr. Goesling recommended that the Boise School District have an opportunity to speak to their legal counsel before moving forward. Mr. Goesling further recommended authorizing Boise State University to construct the facility and then deal with the use agreement secondly. Mr. Lewis commented that as stated, the construction of the project is not contingent upon the use agreement. Further, the motion does not restrict the Boise School District from negotiations with Boise State University. Mr. Lewis recommended someone on the Board's behalf ensure the appropriate provisions are set forth in the contract when it comes time for approval.

A roll call vote was taken and the motion passed seven to one. Mr. Goesling voted nay on the motion.

President Westerberg asked State Board Executive Director, Mike Rush, to follow-up on the negotiations and to provide any direction that may be necessary.

INSTRUCTION, RESEARCH & STUDENT AFFAIRS (IRSA)

1. System-wide Blackboard Contract

Discussion:

Mr. Edmunds introduced Ms. Grace for discussion on this item. Ms. Grace summarized that in November 2010, she had initiated negotiations based on the requests of several of the public

institutions to enter into a statewide agreement with Blackboard for some of their technology services. Ms. Grace indicated she had met with the Division of Purchasing to determine what their requirements would be to proceed with the agreement and received their direction and authorization to proceed. Since then, Ms. Grace has been working with Blackboard to obtain the technological services that would best serve the institutions as well as Idaho Digital Learning Academy (IDLA). IDLA is also part of the contractual agreement with Blackboard. Summarily, the Office of the State Board of Education and IDLA entered into a system-wide contract with Blackboard for a suite of seven services. Ms. Grace commented that additionally the contract has the option to have school districts and other institutions added. Ms. Grace indicated an approximate 70% discount for the group collaboration was received, in comparison to each of the institutions entering into a contract privately with Blackboard; as well as significantly less annual increases in the contract.

Mr. Luna asked if she was required to go through an rfi or rfp process since there are other vendors who offer this service. Ms. Grace indicated they did inquire with the Division of Purchasing and were directed to use Blackboard for the educational discount that would be received. Mr. Edmunds asked how many institutions were initially using Blackboard. Ms. Grace indicated that all eight institutions had been using Blackboard. Ms. Grace further indicated a letter was obtained from the Division of Purchasing for approval of the Board to move forward with a contract with Blackboard.

BOARD ACTION

M/S (Edmunds/Terrell): I move to approve the contract with Blackboard, in substantial conformance to the form submitted, and to authorize the Executive Director of the State Board of Education to sign the contract with Blackboard on behalf of the State Board of Education.

A roll call vote was taken and the motion passed unanimously.

2. Institution Mission Statements

Discussion:

Mr. Edmunds stated that this item deals with the approval of the mission statements of Boise State University, Idaho State University, University of Idaho and Lewis Clark State College. Mr. Edmunds stated there needs to be a mission statement in place for the universities and Lewis Clark State College to submit their year-one report to the Northwest Commission on Colleges and Universities (NWCCU). Summarizing, Mr. Edmunds commented that he feels the mission statements need more work and more direction from the Board because they are very inconsistent in how they are prepared and stated.

Mr. Edmunds turned the floor over to Selena Grace for discussion of what the mission statements are about. Ms. Grace indicated that there is a need for discussion about meeting some of the institution's requirements for accreditation. Their year-one report is due to the NWCCU by September 15. At the last Board meeting the institutions were directed to take their mission statements back to their faculty and staff, leaving a very brief time in which to work on them to meet the accreditation requirement. Ms. Grace stated that if there is not significant issue with the mission statements, the Board has the option of approving them, and between now and February, IRSA and the Board would work with the institutions to refine the mission

statements. This would also allow time for the institutions to bring forward any discussion to the IRSA Committee of their statewide program responsibilities.

Mr. Terrell recommended approving the statements as presented today and follow up with Board review in the April meeting which would include presidents and provosts.

Ms. Grace pointed out that the mission statements cannot be called “draft” mission statements and that it is important for the institution’s accreditation that they are submitting a mission statement that is approved by their board and recognized throughout their campus community. She commented that there is time to review the mission statements before the year-two update for accreditation and make revisions to their year-one report. Ms. Grace further commented that for reporting purposes, if the Board gives the institutions a directive to change their roles and responsibilities or their mission statements, then that is what needs to be reported to the NWCCU for their year-one report.

Mr. Luna asked if the existing mission statements quality to be submitted. Ms. Grace commented that the mission statements, as they are now, cannot draw out core themes as required for the new year-one accreditation report requirement by NWCCU. Their core themes are ultimately what the institutions will be tracked and monitored on. Summarily, the year-one report needs to include the mission statement and core themes, and the current statements do not address what those core themes are.

BOARD ACTION

M/S (Edmunds /Westerberg): I move to approve the mission statements for Boise State University, Idaho State University, the University of Idaho and Lewis Clark State College as submitted.

A roll call vote was taken and five votes were in favor of the motion. The votes of Don Soltman, Emma Atchley and Bill Goesling were in opposition of the motion. The motion has passed.

Discussion:

Mr. Edmunds stated that IRSA will work with the institutions on their mission statements and then return to the Board with information for use in a work session by the Board. Mr. Edmunds asked that the work session be scheduled by February for the Board meeting. President Westerberg and other Board members were in favor of this recommendation. Consequently, IRSA will proceed with a work session to review mission statements. Additionally, Mr. Edmunds asked for future feedback from the other board members on where they perceived the holes to be within the mission statements.

PLANING, POLICY & GOVERNMENTAL AFFAIRS (PPGA)

1. Proposed Rule – IDAPA 08.02.03 – Rules Governing Thoroughness, Online Learning Graduation Requirement

Discussion:

Mr. Soltman offered general comments on the collective discussions of the committee members involved in the development of the proposed rule.

BOARD ACTION

M/S (Soltman/Terrell): I move to approve the Proposed Rule change to IDAPA 08.02.03. – Rules Governing Thoroughness as submitted.

Discussion:

Mr. Luna thanked Don Soltman, the committee members and the board staff for their time and effort in this rule change.

A roll call vote was taken and the motion was passed unanimously.

BUSINESS AFFAIRS & HUMAN RESOURCES (BAHR)

1. Idaho Division of Vocational Rehabilitation – FY 2012 Supplemental Budget Request

BOARD ACTION

M/S (Terrell/Soltman): I move to approve Idaho Vocational Rehabilitation’s FY 2012 Supplemental budget request for \$146,300 in State General Funds and \$146,300 reduction in federal spending authority.

Discussion:

Hearing no discussion, a roll call vote was taken. The motion passed unanimously.

2. FY 2013 Line Item Request – Clarification (information item)

Discussion:

Dr. Rush summarized that the Board set priorities for their budget and that their first priority was for workload adjustment, their second priority was for CAES, their third priority was for occupancy costs, the four priority was for the bio-med proposal and the fifth priority was for the various institutional initiatives.

BOARD ACTION

President Richard Westerberg asked if there was any further discussion. There being no further discussion, a motion to adjourn was passed.

M/S (Luna /Lewis): **To adjourn at 4:04 p.m.** Motion carried unanimously.