

1. Agenda Approval

Changes or additions to the agenda

**A motion to approve the agenda as posted.**

2. Minutes Approval

**BOARD ACTION**

**A motion to approve the minutes from the August 10-11, 2011 Regular Board meeting and the September 9, 2011 Special Board meeting as submitted.**

3. Rolling Calendar

**BOARD ACTION**

**A motion to set October 17-18, 2012 as the date and Lewis-Clark State College as the location for the October 2012 regularly scheduled Board meeting.**



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

**DRAFT MINUTES  
 STATE BOARD OF EDUCATION  
 August 10-11, 2011  
 Idaho State University  
 Pond Student Union Building  
 Salmon River Suite  
 Pocatello, Idaho**

A regularly scheduled meeting of the State Board of Education was held August 10-11, 2011 at Idaho State University in Pocatello, Idaho.

**Present:**

Richard Westerberg, President

Don Soltman, Secretary

Bill Goesling

Rod Lewis (absent August 10th, present August 11th)

Ken Edmunds, Vice President

Emma Atchley

**Other:**

Tom Luna, State Superintendent joined the meeting on August 10th after the Executive Session. He was excused from the meeting at the completion of the Department of Education agenda on August 11<sup>th</sup>.

**Absent:**

Milford Terrell

**Wednesday, August 10, 2011**

The Board met at 2:00 p.m. in the Salmon River Suite of the Pond Student Union Building at Idaho State University in Pocatello, Idaho. Board President Richard Westerberg called the meeting to order.

**BOARDWORK**

**1. Agenda Review / Approval**

**M/S (Goesling/Atchley): To approve the agenda as amended. Motion carried unanimously.**

**By unanimous consent, items 1, 2, and 6 on the BAHR Consent agenda were moved to the regular Business Affairs and Human Resources agenda.**

2. Minutes Review / Approval

**M/S (Edmunds/Soltman): To approve the corrected minutes from the June 22-23, 2011 Regular Board meeting; and approve the minutes for the July 11, 2011 Special Board meeting and the July 29, 2001 Special Board meeting as submitted. Motion carried unanimously.**

One correction to the June 22-23 minutes was noted: remove Paul Agidius' name from the list of members present and replace it with Bill Goesling's name.

3. Rolling Calendar

**M/S (Goesling/Soltman): To set August 22-23, 2012 as the date and Idaho State University as the location for the August 2012 regularly scheduled Board meeting. Motion carried unanimously.**

**EXECUTIVE SESSION**

**M/S (Soltman/): To go into Executive Session at 2:24 p.m. to consider the following: (1) As Trustees for Boise State University, to hold an executive session pursuant to Idaho Code Sections 67-2345(1)(c), (d) and (f) for deliberations to acquire an interest in real property which is not owned by a public agency; for the purpose of considering documents that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code; and to communicate with legal counsel to discuss legal ramifications of and legal options for a controversy imminently likely to be litigated. A roll call vote was taken of the members present; the motion carried unanimously (Mr. Luna was absent during the Executive Session).**

During the Executive Session, the Board, as Trustees for Boise State University, (1) discussed the acquisition of real property not owned by a public agency, and (2) considered documents exempt from public disclosure related to legal options for a controversy imminently likely to be litigated.

**M/S (Edmunds/Rush): To go out of Executive Session at 2:40 p.m. Motion carried unanimously.**

**WORK SESSION**

Tom Luna joined the meeting in progress following the Executive Session.

1. Idaho's 60% Attainment Goal

Executive Director, Mike Rush introduced this item. He made a presentation and encouraged comments and discussion by the Board. Dr. Rush explained that a year ago the Board set a goal that 60% of young Idahoans age 25-34 will have a degree or certificate of value by the year 2020. He pointed out that increasing the educational attainment of Idahoans will better prepare them for future job requirements. It also has the potential to attract out-of-state businesses to Idaho, thus positively impacting Idaho's future economic development.

Dr. Rush noted out that the Board's expectations are out-of-balance because there are system-

needs that can't be met by the current funding levels or structure. In addition, a large population in this age group can't afford the expense of education beyond grade 12; and, they may not have access to the education they need.

Scott Grothe of the Board office was introduced to discuss the data involved in dissecting the 60% goal for Idaho. Mr. Grothe mentioned several well-known educational initiatives that have shown up in various arenas and reports. Statistics used by these initiatives and studies have been drawn from a number of existing sources.

Mr. Grothe referenced the 2009 census data and noted that 31% of Idahoans in the target age group have attained an Associates Degree. He reported that an NCHEMS study showed that for every 100 students in the college pipeline that enter ninth grade, only sixteen will graduate with a two-four year degree. The NCHEMS study focused on first time college students, not part-time students, transfer or adult continuing education students.

It was noted that there are huge variables in how students are tracked. State Superintendent Luna reported that Idaho now has a unique student identifier. This means that Idaho will be able to have good numbers, track students, and, identify trends. Mr. Luna went on to explain that the federal government now requires all states to have a uniform way of measuring a high school graduate. Dr. Rush referred the Board back to the key point: Idaho loses people in the pipeline at various points between the ninth grade and college degree completion.

The discussion turned to certificates. The Board agreed that an individual's ability to get a job is enhanced by a certificate so those may need to be included in the count. There were questions about how to define and count certificates of less-than-a-year. Dr. Beck from College of Southern Idaho shared that CSI has certificate programs of 960 hours that run for two semesters; however, these programs are considered to be a year. In addition, there are certificates that are awarded based on a test, and not on time or hours; those should be counted too.

Before there is movement to count certificates, the Board asked how NCHEMS defined a year; Board staff will follow up on getting that information. It was also noted that in order to include certificates in the count there will need to be consistency in how those are awarded and tracked by the institutions. Mr. Luna suggested that the Board should discuss those degrees and/or certificates that are based mastery of marketable skills. That would be something else for the Board to define that. Selena Grace of the Board staff indicated that Complete College America has some good information related to certificates. The Board staff will bring that information back to the Board.

Dr. Rush said the Board needs to determine what data to track on a semi-annual basis and what data to track on a two or three year basis. It also needs to decide how that data is used to help advance the attainment of the goal.

Mr. Luna indicated that one of the cohorts the Board should spend some time on at some point is how to get more high school graduates to go onto college. Another cohort is the current number of students who do go onto college: 40% of them need remediation, and 38% of those don't go on to their sophomore year. There needs to be some attention focused on that group.

Selena Grace discussed the various strategies and initiatives identified to help students achieve the 60% goal. One strategy has to do with the preparation of students. A second strategy is remediation. A third strategy is retention. Another strategy has to do with developing new and shorter pathways to credentials of value. Another strategy is aid to students. A final strategy is

common measures to track progress.

Ms. Grace noted that it takes time to make change. She pointed out that part of the complexity lies in the number and types of available degrees; and, what the Board determines it will take to meet the 60% goal. She asked the Board for guidance on the strategies she presented.

Mr. Luna noted that there are standards that have been set by a group of states independently; this is not a federal mandate. He explained that there are plans to develop a test that would be given around the eleventh grade, which would replace the current ISAT test that is given in the tenth grade. The new test will be a college-readiness test.

Burton Waite of Eastern Idaho Technical College (EITC) spoke about challenges in the Idaho Falls area because EITC is limited to professional-technical programs. He would like to partner with the College of Southern Idaho to figure out how to bring a community college to the Idaho Falls area so that the people in that area have more choices in terms of their educational opportunities.

Board President Westerberg indicated that the strategies look good to him. Board member Edmunds expressed concern that there isn't a lot of action. He suggested the Board needs to be more aggressive in making things happen. Board member Goesling indicated that the institutions are taking steps. Mr. Westerberg pointed out that there have been steps taken that have substance and will make a difference.

Mr. Edmunds indicated he would like the Board to say what it expects from the institutions. Board member Soltman said that until the institutions know what their piece of the 60% goal is, it is hard to determine how the system is doing. Mr. Luna suggested a dashboard of how things are going as the system moves forward. He pointed out that some of the efforts and goals are contingent on money. One question to ask is what is the Board or the system doing to get resources for the high priority items? Ms. Grace suggested some of these things should be driven by the Board; some should be driven by the system; and, some driven by the institutions.

It was noted that at the last Board meeting the Presidents were asked to report to the Board about steps they are taking to meet the goal. That report will come to the Board in October. In terms of the process piece, Mr. Westerberg pointed out there is the work done by the Board staff. A second piece is the report from the Board. After that, there will be additional steps that include tracking effectual progress.

Board member Edmunds noted that the Board understands there are areas of needs that are still unmet. In terms of what the schools come back with, the Board needs to drive that discussion. Mr. Luna said that if the goal is 60%, does that mean we push for more graduates, or we push for graduates who can get a job? Along that line, how much of the effort will be driven by two-year degrees, four-year degrees, postgraduate degrees, and professional degrees driven? Mr. Luna suggested that the work that the Board has done to date has gotten it to a certain point. The question now is how to get to the granular level and in what timeframe?

Dr. Beck expressed frustration with the timing. He noted that the budget requests for FY 2013 have already been turned in. Scheduling for the spring semester has already been done. These strategies aren't part of either of those things. The timelines don't mesh.

Dr. Rush summarized the points of the discussion. Significant Board committee work is implied by these seven strategies. There is work that the Department is already doing. Notwithstanding, the Board will develop a set of specific goals for the institutions, refined to take in account some

of the other data that may contribute to that 9-11 percent. That way the goals the Board delivers to the institutions will be realistic. With all that, the Board needs to create a dashboard that has these components. In terms of time, it could be due by the October Board meeting.

The Board concluded its work session at 4:55 and adjourned for the day.

**Thursday, August 11, 2011**

The Board convened for Open Session on Thursday, August 11, 2011, in the Salmon River Suite of the Pond Student Union Building at Idaho State University in Pocatello, Idaho. Board President Richard Westerberg called the meeting to order at 8:30 a.m.

Several introductions were made. Dr. Nellis of University of Idaho introduced Ron Smith, the new Vice President for Administration and Finance. Dr. Rush introduced Don Alveshire, the new Administrator for the Division of Vocational Rehabilitation. Dr. Westerberg noted the attendance of Representative Jeff Thompson.

**OPEN FORUM**

Dr. Rick Kearns read comments prepared by Dr. Mike Ellis from ISU. Dr. Ellis' comments suggested that the purpose of his remarks was to make the Board aware that ISU was not in compliance on three of the policies of the Board. One related to tenured faculty and the lack of performance reviews. Another related to financial challenges and the adoption of internal policies. The third related to ISU's administration failure to take action on directives put forth by the Board related to the faculty senate.

Allen Jackson of ISU spoke about the presidential leadership at ISU and indicated that President Vailas has lost the respect of the faculty. There have been votes of no-confidence for him. Mr. Jackson also said that actions by the Board resulted in ISU being censured, further damaging ISU's reputation. He urged the Board to search for a new president.

Dr. Phil Cole was joined by other ISU faculty. Dr. Cole shared that ISU faculty desires to have a mutually respectful relationship with the administration of ISU. He pointed out that the provisional faculty senate has been working to draft new bylaws. He said that the first meeting of the provisional faculty senate was in May. It used the BSU constitution as a starting point for crafting the ISU constitution because BSU's constitution was previously approved by the Board. Dr. Cole noted that administration didn't meet with the provisional faculty senate until August 9. This has significantly delayed the work on the bylaws that the provisional faculty senate has been trying to get done. He indicated that the faculty finds it difficult to have confidence in ISU's administration because ISU's administrators continue to show this type of lack of respect for the faculty.

Kay Merriam of Pocatello spoke about the damage done to ISU's reputation as a direct result of a lack of strong leadership at the University. She pointed out that the restrictions placed on the faculty by administration and the resulting fall-out is the cause. She asked the Board to be mindful of the situation.

Ann Vegors, a former teacher, discussed the broad range of learning abilities and styles of children. She favors teachers who are trained to help children over the use of machines. She noted that the citizens of Idaho weren't given enough notice on this issue before it came to the Legislature this past session. She suggested that the people of Idaho should be given a chance to vote on this issue.

Dr. Larry Murillo, a member of the Shoshone-Bannock Tribe and a former ISU faculty member, spoke about needs of the students of the Shoshone-Bannock Tribe. He indicated that the Reservation wants to create and expand the opportunities for tribal members. The Shoshone-Bannock school is training students to fill the jobs that are being created with the building and opening of a hotel on the Reservation. They want to stress the technology, science, and math related fields. He asked the Board to assist with things like the creation of jobs and internship relationships with the local communities. The Tribe hopes to create a community college on the Reservation sometime in the future. It also wants to see the development of curriculum that reflects Native American epistemology so Native American students feel connected to the subject matter.

### **CONSENT AGENDA**

**M/S (Edmunds/Soltman): To accept the Consent Agenda as modified. Motion carried unanimously.**

**By unanimous consent, the Board agreed to move items 1, 2, and 6 to the regular Business Affairs and Human Resources agenda for discussion purposes.**

#### 3. BAHR – Section II – Resolution Authorizing Individual to Act on Behalf of Retirement Plans

**By unanimous consent, the Board agreed to approve authorization of the Board's chief fiscal officer to act on behalf of all Board-sponsored retirement and deferred compensation plans, in substantial conformance with the Resolution submitted to the Board as Attachment 1, and to authorize the Board President to certify said Resolution.**

#### 4. BAHR – Section II – Colleges & Universities – Revision of Model Purchasing Policy

**By unanimous consent, the Board agreed to approve the Model Purchasing Policy as presented in Attachment 1, and to direct BSU to incorporate changes to the model policy into its own policy.**

#### 5. BAHR – Section II – Geothermal Utility Service Agreement – Phase I

**By unanimous consent, the Board agreed to approve the request by Boise State University to construct conversions and connections to multiple building systems to convert from natural gas to geothermal for a total cost not to exceed \$1,762,173.**

#### 7. PPGA – Idaho State University – Facility Naming

Information item.

#### 8. PPGA – Alcohol Permits Submitted by University Presidents

Information item.

#### 9. PPGA – Idaho Division of Vocational Rehabilitation – Advisory Council Appointments

**By unanimous consent, the Board agreed to approve the following appointments/reappointments to the Vocational Rehabilitation Advisory Council:**

- (1) Reappointment of Arnold Cantu for a term three years effective immediately and ending June 30, 2014.
- (2) Reappointment of Kathy Buswell for a term three years effective immediately and ending June 30, 2014.
- (3) Reappointment of Ramona Medicine Horse for a term three years effective immediately and ending June 30, 2014.
- (4) Appointment of Rachel Damewood as a business, industry and labor representative for a term three years effective immediately and ending June 30, 2014.
- (5) Appointment of Gordon Simson as a business, industry and labor representative for a term three years effective immediately and ending June 30, 2014.
- (6) Appointment of David Miles as an Idaho Native American tribe representative for a term three years effective immediately and ending June 30, 2014.
- (7) Appointment of Irene Vogel to the Vocational Rehabilitation Advisory Council as the Department of Education representative for a term three years effective immediately and ending June 30, 2014.

10. State Department of Education – 2010-2011 Accreditation Summary Report of Idaho Schools

**By unanimous consent, the Board agreed to approve the 2010-2011 Accreditation Summary Report of Idaho Schools, as submitted.**

11. State Department of Education – Adoption of Curricular and Related Instruction Materials as Recommended by the Curricular Materials Selection Committee

**By unanimous consent, the Board agreed to approve the adoption of curricular materials and their related instructional materials as recommended by the Curricular Materials Selection Committee, as submitted.**

12. State Department of Education – Boise State University EDTECH K-12 Online Teacher Endorsement Program

**By unanimous consent, the Board agreed to accept the Professional Standards Commission recommendation to conditionally approve the EDTECH K-12 Online Teacher Endorsement program at Boise State University, as submitted.**

13. State Department of Education – The College of Idaho Full Program Approval Review State Team Report and Institutional Rejoinder

**By unanimous consent, the Board agreed to accept the Professional Standards Commission's recommendation to accept the State team program approval report thereby granting approval of the Elementary Education, Secondary Education, English Language Arts, Mathematics, Social Studies, Government/Civics, History, Science, and Biology programs at The College of Idaho; and granting conditional approval of the Physics program at The College of Idaho, as submitted.**

**By unanimous consent, the Board agreed to accept the Professional Standards Commission's recommendation to accept the College of Idaho rejoinder to the State Team Report and grant approval of the Chemistry program at the College of Idaho, as**

submitted.

14. State Department of Education – George Fox, Idaho Campus – Elementary Education Undergraduate Degree Completion Program

**By unanimous consent, the Board agreed to accept the Professional Standards Commission recommendation to conditionally approve the Elementary Education Undergraduate Degree Completion program at George Fox University, Idaho campus, as submitted.**

15. State Department of Education – Appointment to the Idaho State Curricular Materials Selection Committee

**By unanimous consent, the Board agreed to approve the request by the State Department of Education that Stacey Jensen be reappointed to the Idaho State Curricular Materials Selection Committee effective July 1, 2011 through June 30, 2016.**

At this time, Board member Edmunds asked Board President Westerberg to allow a brief time for Board members to comment on the work session discussion from the previous day related to the 60% goal. Mr. Westerberg agreed.

Board member Atchley suggested that the Board should concentrate on the areas of preparation and recruitment. That would be a good first step.

Board member Soltman noted that by overlaying the chart created by Scott Grothe with the recommendations presented by Selena Grace it was possible see that the prominent areas to focus on are remediation, retention, and recruitment into college.

Board member Edmunds spoke about the need to control adequate and valid data related to the issue of 60%. He urged that the longitudinal data system (LDS) needs to expand to include postsecondary.

Board member Goesling pointed out the term “credential” means different things to different people and groups; the Board needs to define what it means in terms of the data and reports. He also suggested that the Board is short-cutting the work of the institutions if it doesn’t allow them the flexibility to come up with their own ideas for how to achieve the 60% goal.

Board member Atchley agreed that the Board needs good data, but that should not delay action that can be undertaken immediately to address the problem.

## **PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS**

### 1. Idaho State University Annual Report

President Vailas presented the annual progress report. He introduced Shawn Stokes, the ISU Student Body President. Mr. Stokes reported that ISU’s student body trusts President Vailas and has faith in the quality of the programs and degrees offered by ISU. He expressed hope that the University will be soon move past this challenging time.

President Vailas discussed the strategic planning efforts at the University. He noted that ISU has a significant economic impact on the community. ISU continues to expand its research efforts and its grant portfolio continues to grow as well. Dr. Vailas highlighted fiscal year

accomplishments of several sponsored programs including those at the College of Technology, the Family Medicine Residency Program, and the Center for Archaeology. Dr. Vailas reported that ISU has collaborative partnerships with 172 federal, state and local agencies, businesses and universities worldwide.

Related to the students, one initiative at ISU is the Career Path Internship program which offers students paid work experience in their fields of study. Another is the Living Learning residence halls. ISU has a Veterans Sanctuary and there is set-aside space for that program. There has been a 48% increase in the number of veteran students since 2009. ISU also has an aggressive outreach to the rural and Native American veterans.

ISU's enrollment continues to go up as do the number of degrees being awarded. ISU's graduate enrollment last year was the highest in the state. Online education has increased at ISU, which allows for improved access and greater flexibility for the students. This kind of effort helps with the 60% goal.

ISU not only teaches and conducts research related to healthcare; it now has a number of healthcare clinics available to the community. One of these is the dental clinic that has served more than 10,000 patients, mostly low-income, since 2005. In the area of fundraising, it continues to be on the rise since the economic downturn. A number of gifts to the University have made a huge difference by providing scholarships.

## 2. Idaho Public Television (IPTV) Annual Report

Peter Morrill presented the annual report to the Board. IPTV reaches nearly 100% of Idaho through the statewide broadcast system. IPTV has maintained other delivery systems including public television, Idaho Legislature Live, and mobile applications for I-Phone and I-Pad. IPTV offers additional over-the-air free learning links. IPTV is Idaho's only locally owned television station. The children's programs have made a significant difference in the success of children learning to read. IPTV has partnerships with ISU, BSU, and UI. The new PBS Scout service will provide a large number of learning options statewide. Another outreach effort is based around NOVA's Making Stuff and is possible through partnerships with a number of corporations and organizations. IPTV's Outdoor Idaho won two Emmys in 2011 as well as the Edward R. Murrow Award.

In terms of the fiscal structure, IPTV receives state general funds that support the delivery system to ensure equal statewide access. Donations and grants go toward the educational and online content. This past year IPTV had to reduce staff as a result of diminishing state general funds. Items IPTV is keeping an eye on include the implementation of an emergency alert system that is federally mandated, but unfunded. Mr. Morrill noted IPTV is making a Line Item request for 2013 to help support broadcasting of Idaho Legislature Live. Also, one of the deferred things on the list is the removal of analog infrastructure; this won't be done until there are available funds. Mr. Morrill closed by showing a clip of an Outdoor Idaho segment, due to premier in March 2012 called Idaho Unearthed.

## 3. Idaho Education Network Progress Report

Gary Lough discussed the Idaho Education Network (IEN). IEN is nearing completion of connectivity with all of the schools. This puts the project nearly a year ahead of schedule and also below budget. The bandwidth model was designed to support a 1:1 student/computer ratio. Services provided with IEN include a training program for teachers and staff to facilitate the delivery and use of online technology. To date almost 750 teachers and staff have been trained.

Mr. Lough discussed the unique needs of rural counties and the steps IEN has taken to make sure their connectivity is up. In addition they are working to make sure that the scheduling platform is consumer focused. A course catalog will be provided to the schools so they can see how to embed that into their schedules for their use. Funding of the IEN includes support from the JA and Kathryn Albertson Foundation.

In terms of IEN, the Board goals for Attainment and Access are a good match for IEN. The use of distance learning to deliver dual credit courses is an example. It is estimated there will be a fairly steady growth in that area in the future. This will compliment the 60% efforts of the Board. Mr. Lough reported that there are several schools and districts that are currently collaborating by sharing resources and coordinating schedules to offer online training using IEN. These schools have successfully implemented various innovative approaches.

Board member Atchley asked how IEN views the concept of a standardized calendar. Mr. Lough noted that there are a number of reasons schools and districts have different calendars; it may not be possible to have a standardized calendar. On that note Mr. Luna shared that Idaho had discussions with Utah about the Utah Education Network and scheduling was also an obstacle for them. He pointed out that in Idaho, where districts have adopted a common calendar, the effort has been successful. Mr. Lough explained that the blended model helps offset the scheduling disconnect by making it possible for students to access content they may have missed.

Board member Soltman indicated that during the public hearings some schools have reported that they don't have bandwidth. Mr. Lough explained that there may be internal issues at the district level that cause the problem, but he will follow up.

Board member Goesling asked about connectivity to the charter schools. Mr. Lough said that those that are LEA are connected. Mr. Goesling asked about concerns related to the tribal schools and connectivity. Mr. Lough reported that the funding source of tribal schools is different from the public schools. However, it would be possible for tribal schools to be connected to online learning through other means. Mr. Goesling asked how IEN relates to virtual academies. Mr. Lough noted those are independent entities. The virtual school may provide content via proprietary online curriculum.

Dr. Rush raised the issue of moving to the next stage where IEN is more content driven than technology driven. He asked Mr. Lough if he had suggestions for the Board regarding the curriculum exchange. Mr. Lough indicated that it won't be one-size-fits all; there has to be an allowance for schools to be flexible. Mr. Luna noted that as the demand for online education grows, there must be a supply. Part of that supply is having educators who can teach in an online environment. That needs to be included in the teacher education curriculum.

#### 4. Concussion Program Report

**Motion to Refer to Committee M/S (Westerberg/Edmunds): To refer this item to the Board's PPGAC Committee for further study; and to bring it back to the Board at the December meeting. Motion carried unanimously.**

Board member Soltman introduced Mark Browning of the Board office. Mr. Browning provided background information related to the passage of legislation in 2010 known as Kort's Law which was the result of work done by Carolyn Faure from Idaho State University.

Dr. Faure was introduced. She discussed efforts underway to keep Idaho students safe while undergoing sports activity. She noted that concussion continues to be one of the most serious and catastrophic injury-risks in every sport. The educational outreach for this effort has been tremendous. The Center for Sports Concussion has opened at ISU and it has emerged as the regional authority for school and youth sport programs. A coaches' certification course is available online through the Center. Dr. Faure expressed hope that the Legislature and the Board will enact stricter regulations concerning athlete safety in the very near future.

Board member Edmunds asked if the Center is making headway in influencing legislators to reintroduce the amendments. Dr. Faure indicated that the Legislature was supportive last year, but because the legislation came up late in the session there wasn't time to get everyone on board. She encouraged Board members to get involved in the effort as well.

Board member Lewis asked about the consequences associated with the provisions if the coach doesn't take a player out. Dr. Faure indicated that there is a lot of precedence in place on this point nationally. She noted that in her experience with sports law, these provisions help the coaches to take action because often it is the parent or the student who oppose the idea. Mr. Lewis asked if this effort creates a disincentive to take the student out in the first place. Dr. Faure agreed that was possible; however this law gives an extra push for the coaches to make the right decision because there is closer scrutiny.

Board member Lewis expressed reservation at endorsing this because if these amendments are put into law, it would be good to understand fully what the consequences are. He noted that he is totally supportive of the direction, however.

Mr. Luna noted that the Idaho High School Athletic Association did come up with policies that were intended to address some of these issues. He asked Dr. Faure if she was aware of that. She indicated she observed one such training session sponsored by them. In her opinion it was not sufficient in terms of how it is delivered, the depth of the subject, the length of the training, or the level of participation required for the coaches during the training session.

Mr. Lewis and Mr. Luna agreed that this is part of the issue that needs to have further consideration by the PPGAC committee. Mr. Edmunds pointed out that the legislation will put into place a law that forces parents, coaches, schools, and students to act in the best interest of the student. Mr. Goesling suggested that there be latitude given to referees so they can remove players who are injured if the coach fails to do so.

#### 5. Temporary Rule – IDAPA 08.01.11 – Registration of Postsecondary Education Institutions and Proprietary Schools

**M/S (Soltman/Edmunds): To approve the Temporary Rule changes to IDAPA 08.01.11 Registration of Postsecondary Education Institutions and Proprietary Schools as submitted. Motion carried unanimously.**

Board member Soltman presented this item.

#### 6. Proposed Rule, IDAPA 08.0104 – Rules Governing Residency Classification

**M/S (Soltman/Atchley): To approve the Proposed Rule IDAPA 08.01.04, Rules Governing Residency Classification as submitted. Motion carried unanimously.**

Board member Soltman presented this item. Board member Lewis asked for clarification on the

background statement.

#### 7. Board Policy – I.O. Data Management Council – First Reading

**M/S (Soltman/Edmunds): To approve the first reading of a new section of Board Policy, I.O. Data Management Council as submitted, and to direct the Data Management Council to develop their bylaws for future Board approval. Motion carried unanimously.**

Board member Soltman presented this item. He noted that this policy provides guidance to the Data Management Council. Mr. Luna clarified that since this the first reading there is opportunity for revision. He noted that there should be representation from the Governor's office on the Council. It was agreed that this be included in the policy before the second reading. Dr. Rush asked for other comments to be forwarded to the Board staff. Board member Edmunds asked the Board when there can be further discussion on this. He asked for an agenda time in October to discuss this in more detail.

### **DEPARTMENT OF EDUCATION AGENDA**

#### 1. Superintendent's Update

Mr. Luna reported on the AYP results that were recently released. He explained that Idaho is moving towards a growth model, and away from the proficiency model. The growth model will better determine how schools and students are doing academically. The growth model will also be used in evaluating Idaho's teachers. Mr. Luna noted that the U.S. Department of Education will develop a process for states to apply for waivers to implement new models of accountability. Idaho will consider applying for a waiver to develop and implement a growth model.

Mr. Luna updated the Board on Students Come First (SCF). He noted some of the new legislation went into effect immediately; other parts will be implemented later on. Currently, tenure is being phased out, layoff decisions are no longer based on seniority, collective bargaining is limited to salary and benefits, negotiations are to be held in open and public meetings, and the SCF Technology Task Force is meeting.

#### 2. Proposed Rule – IDAPA 08.02.01.151 – Rules Governing Administration – Negotiations

**M/S (Luna/Soltman): To approve the proposed rule changes to IDAPA 08.02.01.151 Rules Governing Administration, Negotiations, as submitted.**

Mr. Luna explained that this rule brings some definition to what open meetings means. Board member Lewis asked for clarification related to the point on collective bargaining and how it relates to salaries and benefits. Mr. Luna indicated that it does fall into the category of what will be negotiated. He noted that the law is specific as to how shares are determined. What is up for negotiation is who gets those shares.

Mr. Lewis asked if this is consistent with being part of the collective bargaining process; should it be a local board determination instead. Mr. Luna explained there is a pay for performance part of SCF that has three components. What will be part of the negotiated agreement is how the districts define leadership and hard-to-fill positions. In regards to student achievement, the local level will determine some of those elements as well.

#### 3. Proposed Rule - IDAPA 08-0202.015 – Rules Governing Uniformity – Idaho Interim Certificate

**M/S (Luna/Goesling): To approve the proposed rule changes to IDAPA 08.02.02.015, as submitted. Motion carried unanimously.**

Mr. Luna presented this item.

4. Proposed Rule – IDAPA 08.02.02 (subsections .021, .023, and .027) – Rules Governing Uniformity

08.02.02.021 – Endorsements:

**M/S (Luna/Lewis): To approve the Proposed Rule changes to IDAPA 08.02.02.021, Rules Governing Uniformity, Endorsements, as submitted. Motion carried unanimously.**

08.02.02.023.04 English as a New Language (ENL) (K-12):

**M/S (Luna/Goesling): To approve the Proposed Rule changes to IDAPA 08.02.02.023, Rules Governing Uniformity, Endorsements E – L, English as a New Language (ENL) (K-12), as submitted. Motion carried 6-1 (Mr. Lewis voted Nay).**

Board member Lewis asked for further clarification on how the word foreign is intended to be understood.

08.02.02.027.02 School Psychologist Endorsement:

**M/S (Luna/Soltman): To approve the Proposed Rule changes to IDAPA 08.02.02.027.02, Rules Governing Uniformity, School Psychologist Endorsement, as submitted. Motion carried unanimously.**

5. Proposed Rule – IDAPA 08.02.02.100 – Rules Governing Uniformity – Official Vehicle for Approving Teacher Education Programs

**M/S (Luna/Soltman): To approve the Proposed Rule changes to IDAPA 08.02.02.100, Rules Governing Uniformity, Official Vehicle for Approving Teacher Education Programs, as submitted. Motion carried 6-1 (Mr. Lewis voted Nay).**

Mr. Luna presented this item. He noted that the reviews will take place on a three-year cycle, rather than the current seven-year cycle. Mr. Lewis suggested that the language of the draft seems to be substantive. Mr. Luna explained that this is a first reading and he will visit with SDE staff for more clarification.

6. Proposed Rule – IDAPA 08.02.02.120 – Rules Governing Uniformity – Local District Evaluation Policy

**M/S (Luna/Goesling): To approve the Proposed Rule changes to IDAPA 08.02.02.120 Rules Governing Uniformity, Local District Evaluation Policy, as submitted. Motion carried unanimously.**

Mr. Luna presented this item. He noted that there are dates included in the rule for various actions that have to take place. Board President Westerberg asked for clarification on the parent input. Mr. Luna indicated that the local district makes that determination. Mr. Lewis asked if would be advisable to indicate that some weight be given to this point in terms of it being more substantial. Mr. Luna explained that there was a lot of discussion during the consideration of this legislation to give local boards flexibility. Mr. Lewis suggested this rule

should give further guidance to the schools. Mr. Luna noted this rule speaks to the time lines, not the local board responsibility. He will check to see what the law says. Mr. Westerberg pointed out that any clarity that can be given to the local board would be helpful.

Mr. Lewis asked about the parent input section and the evaluation period. He suggested that the wording makes it sound like the parental input applies to only one part of the year. Mr. Luna explained that the parental input has to be collected by February 1 in order for it to have an impact on the contract, which has another due date.

Mr. Lewis asked about the dates of the student evaluation. He suggested that there should be a due date attached to the student achievement evaluation. Mr. Luna explained the process of teacher evaluation process. Mr. Lewis asked if the language of the rule states the intent of SDE as to how it wants this to work. Board member Atchley asked for clarification in terms of what local boards can use as the student achievement piece of the job evaluation of teachers.

7. Proposed Rule – IDAPA 08.02.02.140 – Rules Governing Uniformity – Accreditation

**M/S (Luna/Atchley): To approve the Proposed Rule change to IDAPA 08.02.02.140, as submitted. Motion carried unanimously.**

Mr. Luna presented this item.

8. Temporary/Proposed Rule – IDAPA 08.02.03.105-106 – Rules Governing Thoroughness – High School Graduation

**M/S (Luna/Goesling): To approve the Temporary/Proposed Rule changes to IDAPA 08.02.03.105 Rules Governing Thoroughness, High School Graduation Requirements, as submitted. Motion carried unanimously.**

Mr. Luna presented this item. Mr. Lewis asked if there was input from the universities or other postsecondary institutions as to the validity of the ACCUPLACER as a replacement for COMPASS. Mr. Luna indicated that the postsecondary institutions were involved in the discussion and considerations.

**M/S (Luna/Goesling): To approve the Temporary/Proposed Rule changes to IDAPA 08.02.03.106 Rules Governing Thoroughness, Advanced Opportunities, as submitted. Motion carried unanimously.**

Mr. Luna presented this item. This rule change deals with two aspects of high school graduation requirements: dual credit as it pertains to the senior project requirement and college entrance examinations. Mr. Luna noted that discussions related to the college entrance examinations resulted in a recommendation from the committee that Idaho used the SAT as the college entrance exam. This rule adds the test ACCUPLACER, run by the College Board who administers the SAT. It is equivalent to COMPASS, run by ACT. The other part of this item allows for flexibility for special education students to opt out an accommodation cannot be met.

9. Proposed Rule – IDAPA 08.02.03.111 – Assessment in Public Schools

**M/S (Luna/Goesling): To approve the Proposed Rule changes to IDAPA 08.02.03.111, Subsections 03, 06, 07, as submitted. Motion carried 6-1 (Mr. Lewis voted Nay).**

Mr. Luna presented this item. Board member Atchley asked about the timeline for the

consortium to get the new assessments out to the state. She also asked about the number of math assessments. Carissa Miller of SDE discussed the three-year rollout of the Smarter Balance tests. Ms. Atchley asked what Idaho will use in the meantime if this rule eliminates these tests. Mr. Luna explained that these tests will still be available to the schools if they want to use them. In addition, schools and teachers have access to a variety of assessments that they can use specifically related to math, that are tied to Idaho's Common Core Standards. Ms. Atchley expressed concern that there won't be a statewide test for three years. Mr. Luna clarified that statewide testing is done with the ISAT for math in every grade and once in high school.

Mr. Westerberg pointed out that several years ago these two tests were identified as being problematic. This motion changes the policy so they are no longer required. Carissa Miller explained that Idaho is in the process of acquiring the end-of-course exit exams.

#### 10. Approval for New School Status for Schools in Restructuring

**M/S (Luna/Atchley): To accept the recommendations by the Subcommittee on Restructuring and grant "New School" status to the submitted schools in Restructuring, as submitted. Motion carried unanimously.**

Mr. Luna presented this item. Board President Westerberg asked to see the scoring sheets on the schools that were not granted new school status. Mr. Luna will forward that information to Mr. Westerberg.

#### 11. School Districts' Trustee Boundary Rezoning

**M/S (Luna/Soltman): To approve the Idaho school districts trustee boundary rezoning proposals for those school districts listed under "Recommended for Approval," as submitted. Motion carried unanimously.**

**M/S (Luna/Goesling): To disapprove the Idaho school districts trustee boundary rezoning proposals for those school districts not meeting the submittal requirements and are listed under "Not Recommended for Approval," as submitted. Motion carried unanimously.**

Board member Soltman asked for clarification as to why these districts are not recommended. It was noted it was for various reasons, but primarily for not splitting the census blocks. Some lacked information and some were late in being submitted. Mr. Luna explained that they will have 45 days from the time the Board identifies them as not approved to submit a new proposal.

The Board went on to discuss several trustee zone proposals as follows.

#### Boise School District

- **M/S (Luna/Soltman): To approve BOISE INDEPENDENT DISTRICT trustee zone proposal, as submitted. Motion carried unanimously.**

It was explained that Boise is a charter district and it operates under that charter; its charter supersedes state law. This means that it is not required to comply with a number of state laws.

Dr. Rush clarified that the Board is authorized to approve the zone proposals. Tracie Bent noted

that upon review of the code, the Deputy Attorney General indicated that the Board does need to vote on this item for the Boise district.

#### Cottonwood Joint District

- **M/S (Luna/Atchley): To approve COTTONWOOD JOINT DISTRICT trustee zone proposal, as submitted. Motion carried unanimously.**

#### Emmett Independent District

- **M/S (Luna/Goesling): To approve EMMETT INDEPENDENT DISTRICT trustee zone proposal, as submitted. Motion failed unanimously.**

**M/S (Luna/Soltman): To disapprove the EMMETT INDEPENDENT DISTRICT and add it to the not recommended for approval list. Motion carried unanimously.**

Emmett is a charter district. However, it is exempt from the law only where its charter specifically indicates it is exempt. This point is one of those areas where their charter is vague.

#### Lewiston Independent District

- **M/S (Luna/Soltman): To approve LEWISTON INDEPENDENT DISTRICT trustee zone proposal, as submitted. Motion carried unanimously.**

Lewiston is a charter district and similar to the Boise district in how its charter is written.

#### Oneida County District

- **M/S (Luna/Goesling): To approve ONEIDA COUNTY DISTRICT trustee zone proposal, as submitted. Motion carried 5-2 (Mr. Westerberg and Mr. Soltman voted Nay).**

The Oneida County District is separated by a mountain range. Traditionally this is how they've drawn their boundaries and the situation has not changed over time. The Board discussed how best to consider this item. There was some concern about the impact on the district if the motion didn't pass.

Following the conclusion of this item, Mr. Luna was excused for the remainder of the meeting.

## **BUSINESS AFFAIRS AND HUMAN RESOURCES**

### **SECTION I – HUMAN RESOURCES**

#### 1. Amendment to Board Policy – Section II.D. – Categories of Employees – General Definitions – Second Reading

**M/S (Soltman/Goesling): To approve the second reading of the proposed amendments to Board policy II.D.2. as presented. Motion carried unanimously.**

Board member Soltman presented this item.

2. Amendment to Board Policy – Section II.F. – Policies Regarding Non-Classified Employees and Section II.G. – Policies Regarding Faculty (Institutional Faculty Only) – Second Reading

**M/S (Soltman/Atchley): To approve the second reading of the proposed amendments to Board Policy II.F and II.G. as submitted. Motion carried unanimously.**

Board member Soltman presented this item.

3. University of Idaho – Employment Agreement – Head Swim Coach

**M/S (Soltman/Goesling): To approve the University of Idaho’s multi-year employment contract for head intercollegiate swimming coach, Mark Sowa, for a three year term commencing on July 11, 2011, and terminating on July 10, 2014, in substantial conformance with the contract submitted to the Board as Attachment 1. Motion carried unanimously.**

Board member Soltman presented this item and noted it follows the model contract design. Mr. suggested that the Board ask the institutions to consider looking at a better incentive that includes student academic achievement. Board member Atchley agreed there should be stronger incentives.

4. University of Idaho – Employment Agreement Extension – Athletic Director

**M/S (Soltman/Atchley): To approve the University of Idaho’s multi-year employment contract for Athletic Director, Robert Spear, for a five year term commencing on August 13, 2011, and terminating on August 12, 2016, in substantial conformance with the contract submitted to the Board as Attachment 1. Motion carried 5-1 (Mr. Westerberg voted Nay).**

Board member Goesling indicated that the Board should look at the APR performance as it reflects the accomplishments of the athletic department. Board President Westerberg indicated he would vote against this because it is a contract with an athletic director. Board member Lewis asked if there are other five-year contracts. Dr. Nellis noted that the head football and basketball coaches have five-year contracts. Mr. Westerberg asked for a report on where we have multi-year contracts and what they are. Mr. Lewis suggested there should be some across-the-board limitations applied to long-term contracts. Mr. Westerberg indicated this topic will go to the Business Affairs and Human Resources committee for more discussion about the length of contracts.

The following items were moved from the Consent Agenda.

1. Consent Agenda Item - BAHF – Section I – University of Idaho – Policy Change – Promotion and Rank – Clinical Faculty

**M/S (Soltman/Atchley): To approve changes to University of Idaho policies for clinical faculty as set forth in the materials submitted to the Board. Motion carried unanimously.**

Board member Soltman presented this item. He invited Provost Baker from UI to discuss this item. It was noted that this policy change pertains to the ranking of clinical faculty. Board member Lewis asked if there was consistency nationally with respect to the terminology used

and if this policy is consistent with national use. Dr. Baker indicated that it is consistent. Mr. Soltman reflected that as a lay person, the word clinical implies a medical term to him. Dr. Baker pointed out that in academia it is a common term and usage. Ms. Grace explained that BSU uses the term in education and health related fields. ISU uses it regarding health related fields only.

2. Consent Agenda Item - BAHF – Section I – University of Idaho – Policy Change – Constitution of the University Faculty

**M/S (Soltman/Goesling): To approve changes to University of Idaho Faculty Staff Handbook 1520 regarding clinical faculty as set forth in the materials submitted to the Board. Motion carried unanimously.**

**SECTION II – FINANCE**

1. FY 2013 Line Items

**M/S (Soltman/Lewis): To approve the FY 2012 Supplemental Appropriation Request for Idaho Division of Vocational Rehabilitation in the amount of \$367,000 in general funds as shown on Attachment 1, Tab 1a page 1. Motion carried unanimously.**

Don Alveshire, IDVR Administrator, discussed IDVR's supplemental request. Mr. Freeman noted that Attachment 2 will include the revised numbers for Vocational Rehabilitation.

**M/S (Soltman/Edmunds): To approve the Line Items for the agencies and institutions as listed in Attachment 2, tab 1b, page 1, and to authorize the Executive Director to approve the MCO and Line Item budget requests for agencies and institutions due to DFM and LSO on September 1, 2011.**

**Substitute M/S (Lewis/Soltman): To approve the following Line Items for the agencies and institutions: Unfunded Enrollment Workload Adjustment, CAES, Occupancy Costs, and Biomedical Research. And to authorize the Executive Director to approve the MCO and Line Item budget requests for agencies and institutions due to DFM and LSO on September 1, 2011.**

**Second Substitute M/S (Soltman/Goesling): To approve the Line Items for the agencies and institutions as listed in Attachment 2, tab 1b page 1, with the addition of Unfunded Enrollment Workload Adjustment, and to authorize the Executive Director to approve the MCO and Line Item budget requests for agencies and institutions due to DFM and LSO on September 1, 2011. Motion carried unanimously.**

Board member Lewis asked if the Board is forwarding the items from the institutions onto the Legislature, or if the Board desires to prioritize the list. Mr. Freeman explained that the Board did prioritize the items on the list at the Board meeting in June; however, the Board did not evaluate the merit of those requests.

There was lengthy discussion about how best to proceed. Board member Edmunds suggested it would be important to have the discussion. Board member Soltman recollected that there is no money to fund these, but the list does need to be forwarded for the benefit of the Legislature. Mr. Freeman indicated that at the last Financial Vice Presidents' meeting there was agreement that the unfunded enrollment workload adjustment should be included as a line item.

In response to a question, Mr. Freeman pointed out that there is a competing balance to show the Legislature what the needs are without overwhelming them. If Unfunded Enrollment Workload Adjustment is the focus, then to add more to the list may be a distraction.

A substitute motion was entertained to include the items that the Board wants to forward to the Legislature; it did not include strategic initiatives. Kirk Dennis of the Division of Professional-Technical explained to the Board that the Division's line item request was arbitrarily listed under the strategic initiatives. If strategic initiatives is not included in the motion, it will be very problematic to PTE.

The institutions were invited to weigh in on the discussion. Stacy Pearson from BSU noted that the institutions understand that not many line items will be funded, if they are funded at all; the institutions would be happy to just recover some of the MCO funds. Jim Fletcher from ISU pointed out that the institutions haven't received enrollment workload adjustment funds in years. The institutions recognize that they need to have CAES, occupancy costs, and enrollment workload adjustment on the list. Ron Smith from UI indicated that if UI can get CEC, enrollment workload adjustment, and CAES, it will be happy. Chet Herbst from LCSC responded that the institutions have followed the directives from the Board and submitted their lists. The only requests that came to the Board were the essential ones, and a number of them are listed in strategic initiatives.

**M/ (Soltman/Died for lack of a second): To prioritize the Line Items for the College and Universities as listed in Attachment 2, tab 1b, page 102, as follows: (1) Prior-Years Unfunded Enrollment Workload Adjustment; (2) CAES; (3) Biomedical Research; (4) Occupancy Costs; and (5) Strategic Initiatives.**

**Substitute M/S (Lewis/Edmunds) To prioritize the Line Items for the College and Universities as listed in Attachment 2, tab 1b, page 102, as follows: (1) Prior-Years Unfunded Enrollment Workload Adjustment; (2) CAES; (3)Occupancy Costs; (4) Biomedical Research; and (5) Strategic Initiatives. Motion carried unanimously.**

2. Amendment to Board Policy – Section V.E. – Gifts and Affiliated Foundations – First Reading

**M/S (Soltman/ Lewis): To approve the first reading of the amendment to Board Policy V.E.2.c. – Gifts and Affiliated Foundations as submitted. Motion carried unanimously.**

Board member Soltman presented this item.

3. Amendment to Board Policy – Section V.F. – Bonds or Other Indebtedness and Section V.K. – Construction Projects – Second Reading

**M/S (Soltman/Edmunds): To approve the second reading of the amendment to Board Policy V.F., Bonds and Other indebtedness; and V.K., Construction Projects, as presented.**

**By unanimous consent this item was returned to the BHR committee for further work.**

Board member Soltman presented this item. Board member Lewis raised a point related to receiving a grant. Mr. Freeman directed Mr. Lewis to further language in the policy that has to do with the institutions' six year plans. The thinking is that if the Board has approved the six-

year plans, then institutions cannot accept or solicit a grant that is not on the plan. Mr. Lewis pointed out that the six-year plans are a notice, but not a request for approval.

Mr. Lewis asked about major project approval related to planning and design. The policy does not say that it cannot be concurrent with construction. He noted this is a technical point. There was discussion about the difference between the solicitation of gifts and the acceptance of gifts. The policy allows the institutions flexibility to spend funds to explore the possibility of the project.

Mr. Lewis reiterated that the question for him has to do with when is it appropriate for the institutions to raise funds for a project. The points that need to be clarified are how the institutions raise funds, when they may accept funds, and when plan approval takes place. Mr. Lewis noted that the design-build should include the same steps as the design-bid process. Board President Westerberg suggested this item be returned to the Business Affairs and Human Resources committee for further refinement on the issues raised by Mr. Lewis.

#### 4. FY 2013 Capital Budget Requests

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

**M/S (Soltman/Atchley): To approve the six-year capital construction plans for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College. By unanimous consent the motion was deferred until the full package comes back to the Board.**

Matt Freeman noted that the second motion was predicated on the policy related to bonds and gifts. He suggested it might make sense to hold this motion until that policy is revised and returned to the Board for approval.

#### 5. Boise State University – Bronco Stadium Expansion – Dona Larsen Park Facility Construction

**M/S (Soltman/Edmunds): To approve Boise State University's request to construct facilities and improvements for Dona Larsen Park for an amount not to exceed \$6 million. Motion failed 1-5 (Mr. Westerberg voted Aye).**

Stacy Pearson presented this item. She noted that BSU has \$6 million cash in hand from private gifts for this project. She asked for guidance as to when BSU can begin raising funds regarding this project. Board members Lewis and Edmunds raised questions about the sufficiency of the parking associated with this project. They discussed safety concerns, pointing out that the facility seats over 5,000 people and there are only 65-75 parking spaces. If the facility is going to be used for high school sporting events, the possibility of kids crossing back and forth across busy streets is bothersome.

After some discussion, the Board asked BSU to bring back a solid proposal. Due to timing constraints, Ms. Pearson will talk to the facilities staff at BSU to see when that needs to take place. Mr. Lewis suggested that the Board have a special meeting at the end of August, or first part of September to consider this item again.

6. Boise State University – Enterprise System Roadmap Project Manager Contract

**M/S (Soltman/Goesling): To approve the request by Boise State University to approve the Services Agreement, as submitted to the Board as Attachment 1, with Huron Consulting for Enterprise System Roadmap project management services for a total cost not to exceed \$1.2 million, and to authorize the Vice President for Finance and Administration to execute the Services Agreement on behalf of the Board. Motion carried unanimously.**

Board member Soltman presented this item.

The following item was moved from the Consent Agenda to further consideration.

6. Consent Agenda - BAHF – Section II – Boise State University – Space Planning Study – College of Engineering

**M/S (Soltman/Lewis): To approve Boise State University's request to proceed with a space planning study for the College of Engineering for a cost not to exceed \$350,000. Motion carried unanimously.**

Board member Goesling suggested there be a system approach in the use of existing facilities in the same geographic area. He asked BSU to bring information that shows it has looked at the possibility of using other facilities when they return with their design.

7. University of Idaho – Site and Facilities Lease – Public Transportation Center

**M/S (Soltman/Atchley): To approve the memorandum of agreement, the site lease and the facility lease with the City of Moscow in substantial conformance to the forms submitted to the Board in Attachment 1 through 3, and to authorize the University's Vice President for Finance and Administration to execute the same. Motion carried unanimously.**

Board member Soltman presented this item. Mr. Lewis asked about the length of the lease with the city. Mr. Smith said it is 40 years with an option to extend.

**SECTION III – ATHLETICS**1. University NCAA Academic Progress Rate (APR) Scores

Board member Atchley presented this item. She noted that the Board has the information in the Board agenda materials. She invited institution representatives to come forward.

Dr. Nellis of UI commented briefly related to APR. Significant progress continues to be made. Dr. Vailas of ISU noted that strategies have been put in place with the idea of improving the APR's. Athletics is part of the student success strategy, not a stand-alone program. Additional staff have been hired to advise athletes and academic affairs has been involved in screening future athletes. Stacy Pearson reported that BSU is pleased with the APR progress. Dr. Fernandez noted that LCSC is not ranked the same way, but it does have other measures they adhere to.

Ms. Atchley raised the point about making sure that coaching contracts have stronger incentives for APR. That is something all the Board is interested in. She asked the institutions to give some thought to what those parameters might be and how they could be included in the contracts.

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**1. Experimental Program to Stimulate Competitive Research (EPSCoR) Annual Summary Report

Board member Edmunds introduced this item. He invited Rick Schumaker from UI to comment. Mr. Schumaker overviewed EPSCoR, its recent accomplishments, and projects it has been involved with. He referred the Board to his presentation as he discussed EPSCoR's efforts in Idaho. He noted that the total amount of grant awards coming to Idaho is increasing.

As a side note, Mr. Schumaker reported that the National NSF EPSCoR Conference will be held in Idaho in October 2011. Mr. Edmunds thanked Mr. Schumaker and congratulated Idaho's EPSCoR for bringing the conference to Idaho. He and Board member Soltman will attend.

2. Boise State University – Approval of Full Proposal – Ed.D. Educational Technology

**M/S (Edmunds/Atchley): To approve the request by Boise State University to offer a Doctor of Education in Educational Technology. Motion carried 5-1 (Lewis voted Nay).**

Board member Edmunds presented this item. Dr. Marty Schimpf and Dr. Ross Perkins of BSU were introduced to provide additional background information about this program. Board member Lewis asked about the fees. Dr. Schimpf indicated that the fees are generated by the program, which is built on the masters' program. The goal is to start the program slowly and grow it as demand increases. Dr. Perkins explained that the numbers that are in the Board materials are based on a feasibility study. He noted that the personnel and operating expenses are covered as part of the master's program.

There was discussion about how best to determine the true costs and revenues connected to the doctoral degree since the numbers overlap the master's degree program. Dr. Perkins explained that the master's program is already in existence. By adding the doctoral program to the master's program, small incremental costs will be added to the doctoral program as it grows. But, both programs will use the same facilities and the same instructors.

In terms of how this program interfaces with UI and ISU, BSU has had conversations with both universities. This proposal has also been discussed at the CAAP meeting and approval there to bring it forward to the Board was unanimous. UI offered to collaborate any way they could.

Dr. Rush asked for clarification related to capacity to add more students. Dr. Perkins noted that BSU will be able to add more students without reducing the number of master's degree students, and without reducing the quality of the master's degree program. Stacy Pearson explained further what the costs will be and how they will be covered.

Mr. Lewis expressed concern that the proposal doesn't lay out enough detail. Ms. Atchley referred to page 14 and the graduation rates listed. She noted that she is concerned about students starting an expensive program, but not finishing. Dr. Perkins explained that the graduation rates for the master's program are rapidly improving. The program is at capacity and beyond in the capstone courses. He went on to point out that as far as students coming into the program and not finishing, it is important to remember that many students are trying to retool themselves and want to try things out. In addition, many students have other obligations as well, including families to support. This means that students are under increased financial pressure to postpone their education in order to take a job.

Ms. Atchley said she would like to have additional information about the graduation rates so the Board can see how these types of programs perform. Selena Grace explained that the chart Ms. Atchley is referring to doesn't reflect the graduation rates of the program. It is a reflection of the number of graduates in a year. That is a short-coming of this chart, however Board staff is working to address that; it is on the CAAP agenda in September.

3. First Reading – Proposed Amendments to Board Policy III.W. – Higher Education Research

**M/S (Edmunds/Soltman): To approve the first reading of proposed amendments to Board Policy III.V Higher Education Research to include the restructure of HERC and to retain the language in section 1.d pertaining to HERC membership that reads “a representative of LCSC”. Motion carried 5-1 (Mr. Goesling voted Nay).**

Board member Edmunds presented this item. There is one change to the proposed amendment to include a representative from LCSC. It was noted that the intent to keep LCSC on the committee is so that all the four-year institutions are included. Board member Goesling suggested that the community colleges should be included as well. It was noted that the focus is on the higher level of research that is found on four-year campuses.

4. Second Reading – Proposed Amendments to Board Policy III.V.3. – Associate of Applied Science Degree

**M/S (Edmunds/Atchley): To approve the second reading of Board Policy III.V.3. Associate of Applied Science Degree as submitted. Motion carried unanimously.**

5. Second Reading – Proposed Amendments to Board Policy III.M. – Accreditation

**M/S (Edmunds/Soltman): To approve the second reading of Board Policy III.M. – Public Postsecondary Accreditation – as submitted. Motion carried unanimously.**

**OTHER BUSINESS**

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

**M/S (Soltman/Atchley): To adjourn the meeting at 4:50 p.m. Motion carried unanimously.**



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

**DRAFT 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 BAHHR 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 BAHR 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.