



**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**

**APPROVED MINUTES
STATE BOARD OF EDUCATION
November 3, 2011
Special Teleconference Meeting
Boise, ID**

A special teleconference meeting of the State Board of Education was held November 3, 2011. It originated from the Board office in Boise Idaho. Board President Richard Westerberg presided and called the meeting to order at 2:06 p.m. A roll call of members was taken.

Present:

Richard Westerberg, President
Rod Lewis
Milford Terrell
Tom Luna

Don Soltman, Secretary
Emma Atchley
Bill Goesling

Ken Edmunds, Vice President, joined the meeting at 2:05 p.m.

By unanimous consent, the Board agreed to move BAHR item 1 to the beginning of today's agenda for discussion purposes.

BUSINESS AFFAIRS & HUMAN RESOURCES (BAHR)

1. Boise State University – Athletic Conference Discussion

Discussion: Mr. Terrell introduced this item stating that Boise State University (BSU) is requesting permission to change conference affiliations for its intercollegiate athletic terms. Mr. Terrell requested discussion on the item to answer any questions on the matter for the Board members and the media. President Kustra presented opening comments on the subject and also introduced Curt Apsey (BSU Interim Executive Director/Athletics), Kevin Satterlee and Stacey Pearson from BSU to participate in the discussion. President Kustra confirmed that the university has been in discussion over the past few weeks with the Big East Conference regarding the possibility of joining the Conference for football only, beginning in July 2013.

President Kustra outlined the opportunities of joining the Big East Conference, commenting on the increased revenues and BCS status to name a few. He indicated they are honored to be considered for this conference. He commented that he is aware of the concerns surrounding travel expenses for the student athletes, coaches and fans. President Kustra said the Big East

is working to provide BSU with partners through the creation of a Western Division of the Conference.

President Kustra confirmed that the university had conducted and will continue to conduct a rigorous due diligence process and careful analysis of options, and review and analysis of terms of their membership and apportionment of revenue to this Conference. He stated there is no way to know the amount of revenue that could be realized under a new Big East media contract. Under the current Big East media contract, it would nearly triple the amount received. The current Big East contract is due for renegotiation in 2012. President Kustra commented that there have been no formal invitations, but today they seek the ability to make a decision if an invitation is extended, as well as the ability to make a decision on the conference in which basketball and other Olympic sports will be located. President Kustra emphasized the importance of both decisions, stating they are critically important to the future of the University and its athletic program.

President Kustra clarified the University considers a good geographic fit to be very important for the athletic programs at the University. Board member Terrell asked about the automatic qualifier and how much longer it would be in place if they go to the Big East Conference. President Kustra stated as long as the BCS contract is in place, the automatic qualifier is also in place – which would be at least until 2013. Mr. Terrell noted the public attention this subject has received lately and asked about the effect splitting the conference has on the budget, athletics and the fans. Dr. Kustra indicated that preliminary talks have included the prospect of the Big East having a Western and Eastern Division and the prospect of two additional western teams besides BSU joining the conference. Dr. Kustra stated he is very pleased with the prospects of this Western Division of the Big East Conference and reminded the Board that an official invitation has not been received yet, so there are still details that remain for consideration.

Superintendent Tom Luna asked President Kustra if the establishment of a Western Division is a deal breaker if it is not established with the Big East Conference. President Kustra responded in the affirmative that it was a deal breaker. He remarked that he has clearly stated to the individuals at the Big East that BSU would go in with a western partner and they will not join until they are completely sure they have another satisfactory western university joining as well.

Mr. Goesling asked if Boise State moves to the Big East Conference, what would be the impact to other Idaho schools. President Kustra stated there is definitely an impact; however the other schools would likely be absorbed by the Western Athletic Conference (WAC) along with other changes. Mr. Goesling asked what the costs are to leave the WAC. President Kustra indicated there is a \$5 million exit cost to leave the WAC if they leave without giving notice. To avoid the exit fee, Boise State must give notice by June 30, 2012. President Kustra did comment that in leaving the WAC, they would forfeit the last year's revenue. Mr. Satterlee confirmed that there is no cash penalty if notice is given prior to June 30, 2012. Mr. Satterlee additionally commented that going to a bowl game this year would not impact the revenues for the 2012 season. Mr. Goesling asked about how BSU will address any gender equity issues. Mr. Satterlee commented the move to the Big East Conference would not have any effect on the current gender equity situation or gender equity plan.

Mr. Luna asked if there is a time line that the University is working under or one that the Board can anticipate. President Kustra stated they should have more information on the timeline by next week.

Mr. Goesling asked about the impact on other sports besides football. Dr. Kustra commented that University staff are exploring Division 1 conferences that have the same opportunities for student athletes, and are trying to remain as close to the current competition as they have presently. He further stated Boise State University is making every effort to find the conference that is the best match for each program.

Following discussion Mr. Goesling made a substitute.

BOARD ACTION

M/S (Terrell/Lewis): I move to authorize the President of Boise State University to make the final decision as to whether it is in the best interests of the University to accept an invitation to the Big East Conference as a football-only member and to another conference for the University's remaining intercollegiate sports, and in so doing to comply with all Board policies and procedures. A roll call vote was taken, motion passed 7-1. (Mr. Goesling voted nay).

Substitute M/S (Goesling/) I move to enter an alternate motion to delay the decision on the first motion for a period of time to allow us to gather more information as to the costs going into another conference, leaving the current conference, and to address the gender equity and other legal issues. Vote failed for lack of a second.

In the concluding discussion about this item, Mr. Luna asked for regular updates from Boise State on the subject of the Big East Conference. President Kustra agreed to provide updates to the Board on the matter.

INSTITUTIONAL RESEARCH & STUDENT AFFAIRS (IRSA)

1. Boise State University – Doctorate Program – Ph.D. in Biomolecular Sciences

Discussion: Mr. Edmunds asked that BSU provost, Dr. Marty Schimpf, present this item. Dr. Schimpf introduced the information surrounding the Ph.D. in Biomolecular Sciences in the form of a PowerPoint presentation. He outlined the ten year effort towards the Ph.D. program and discussed expanding Idaho's research capacity. He commented on the INBRE program and the Boise State niche that new degree programs are being developed in the area of biomolecular studies, building on the interdepartmental strengths in biochemistry, biophysics and biomaterials.

Additionally another benefit of this program is the overlap in courses offering students a greater variety. Dr. Schimpf emphasized that BSU continues to focus on undergraduate education. He outlined the 3-year rolling average in external funding and went on to summarize the return on investment that will be gained from this program. Dr. Schimpf indicated this particular program provides a very good return on investment. He outlined the future ongoing funds for the PhD program and additionally provided a summary of comments from the Ph.D. external review team which were favorable for the program and positive in nature.

BOARD ACTION

M/S (Edmunds/Terrell): I move to approve the request by Boise State University to offer a Doctor of Philosophy in Biomolecular Sciences. A roll call vote, motion passed 7-1 (Mr. Goesling voted nay).

Mr. Goesling offered a statement on his vote. He stated his vote is nay because he feels there should be a systems approach to programs in order to meet challenges at multiple institutions. He feels that each institution should be involved in a statewide collaborative effort.

Mr. Edmunds offered comment that there are many programs that will be coming before the Board for review in the coming months that will require much work. Mr. Edmunds requested that other board members give feedback to IRSA Committee on the programs that will be forthcoming.

Mr. Terrell commented to Boise State that it would be helpful if they would better clarify the increased opportunity of collaboration of programs among institutions.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS (PPGA)

1. Pending Rule – Docket 08-0104-1101 – Residency Classification

BOARD ACTION

M/S (Soltman/Edmunds): I move to approve to the Pending Rule Docket 08-0104-1101 Rules Governing Residency Classification, as submitted. A roll call vote was taken, motion passed 7-0 (Mr. Terrell was absent from voting).

2. Pending Rule – Docket 08-0109-1101 – GEAR UP Idaho Scholarship

BOARD ACTION

M/S (Soltman/Atchley): I move to approve Pending Rule Docket 08-0109-1101, as submitted. A roll call vote was taken, motion passed 7-0 (Mr. Terrell was absent from voting).

3. Pending Rule – Docket 08-0111-1102 – Registration of Post-Secondary Educational Institutions and Proprietary Schools

BOARD ACTION

M/S (Soltman/Terrell): I move to approve Pending Rule Docket 08-0111-1102, as submitted. A roll call vote was taken, motion carried unanimously.

Discussion: Mr. Soltman summarized that there were two comments received during the open comment period. He indicated that Ms. Tracie Bent clarified and answered the questions and there were no further comments thereafter.

4. Pending Rule – Docket 08-0114-1101 – Idaho Rural Physician Incentive Program

BOARD ACTION

M/S (Soltman/Atchley): I move to approve Pending Rule Docket 08-0114-1101, as submitted. Motion passed 7-1 (Mr. Edmunds voted nay).

Discussion: Mr. Edmunds does not agree with the program or how it is funded. Mr. Soltman clarified that this program was established by the 2003 legislature to encourage primary care physicians to practice in medically underserved areas. Ms. Bent stated that legislation has been submitted to move the payment portion of this program to the Division of Health and Welfare where it would have a better fit with their Rural Health Program. Ms. Bent commented that if the new legislation passes the Legislature, the program will remain under the Board through the end of this fiscal year and then be turned over to Health and Welfare.

Mr. Lewis asked if the program does get moved, if it would be moved with the rules intact. Ms. Bent confirmed that in discussions with Health and Welfare, they would leave it intact so the payment would go directly to the physician. Ms. Bent indicated there would be a new set of rules promulgated if the legislation passes and that Board Staff did work with Health and Welfare staff in preparing the legislation. Ms. Bent further clarified that it is just the payment portion from this program that would be moving to Health and Welfare; the collection of funds would remain under the Board's responsibility.

5. Pending Rule – Docket 08-0203-1102 – On-Line Course Graduation Requirement

BOARD ACTION

M/S (Soltman/Edmunds): I move to approve Pending Rule Docket 08-0203-1102 – Rules Governing Thoroughness, as submitted. A roll call vote was taken, motion carried unanimously.

Discussion: Mr. Soltman commented that during the 21 day comment period there were 10 comments received. The majority of the comments expressed opposition to requiring an on-line learning requirement. Additional concerns were based on a financial burden to districts to purchase or contract with providers providing on-line courses as well as the impact the Idaho Digital Learning Academy's funding structure will have on school districts. Ms. Bent noted that districts

STATE DEPARTMENT OF EDUCATION

1. Pending Rule – Docket 08-0201-1101 – Open Negotiations

Mr. Luna commented that there were comments received from Idaho School Boards Association and that changes to the rule were made based on those comments.

BOARD ACTION

M/S (Luna/Terrell): I move to approve Pending Rule Docket 08-0201-1101, as submitted. A roll call vote was taken, motion carried unanimously.

Discussion: Mr. Luna clarified the Board's role in this is so that the rules reflect the legislative intent.

2. Pending Rule – Docket 08-0202-1101 – SISBO Manual

Discussion: Mr. Luna stated that each year changes are made to the national standards affecting the Division of School Transportation. Those changes have been incorporated into these rules to keep them in line with the national standards. He further commented there were no comments received during the public comment period.

BOARD ACTION

M/S (Luna/Edmunds): I move to approve Pending Rule Docket 08-0202-1101, as submitted. A roll call vote was taken, motion carried unanimously.

Discussion:

Mr. Terrell asked if the level of pricing would change. Mr. Luna replied that the national standard is for safety reasons only and doesn't have to do with the costs of transportation.

3. Pending Rule – Docket 08-0202-1102 – Accreditation

Discussion: Mr. Luna stated that no public comments were received during the public comment period.

BOARD ACTION

M/S (Luna/Terrell): I move to approve Pending Rule Docket 08-0202-1102, as submitted. A roll call vote was taken, motion carried unanimously.

4. Pending Rule – Docket 08-0202-1103 – Endorsements

Discussion: Mr. Luna stated that no public comments were received during the public comment period.

BOARD ACTION

M/S (Luna/Edmunds): I move to approve Pending Rule Docket 08-0202-1103, as submitted. A roll call vote was taken, motion carried unanimously.

5. Pending Rule – Docket 08-0202-1104 – Interim Certificate

Discussion: Mr. Luna stated that some public comment was received during the public comment period. He further commented that the need for an interim certificate exists today. The change to this rule allows for a three year interim certificate to be issued to any Idaho educator whose certificate has expired.

BOARD ACTION

M/S (Luna/Terrell): I move to approve Pending Rule Docket 08-0202-1104, as submitted. A roll call vote was taken, motion carried unanimously.

6. Pending Rule – Docket 08-0202-1105 – Official Vehicle of Approval

Discussion: Mr. Luna commented that there were changes made to the proposed rule based on public comments received.

BOARD ACTION

M/S (Luna/Edmunds): I move to approve Pending Rule Docket 08-0202-1105, as submitted. A roll call vote was taken, motion carried unanimously.

7. Pending Rule – Docket 08-0202-1106 – Teacher Evaluation

Discussion: Mr. Luna pointed out that a change would be made to Section 6 of this rule. He indicated the first sentence will be changed to use the word “shall” instead of “should” as follows, “the evaluation policy *shall* include a provision for evaluating all certificating personnel ...”

BOARD ACTION

M/S (Luna/Edmunds): I move to approve Pending Rule Docket 08-0202-1106, as amended. A roll call vote was taken, motion carried unanimously.

8. Pending Rule – Docket 08-0203-1101 – ISAT-ALT

Discussion: Mr. Luna stated that no public comments were received during the public comment period.

BOARD ACTION

M/S (Luna/Terrell): I move to approve Pending Rule Docket 08-0203-1101, as submitted. A roll call vote was taken, motion carried unanimously.

9. Pending Rule – Docket 08-0203-1103 – Assessment

Discussion: Mr. Luna stated that no public comments were received during the public comment period.

BOARD ACTION

M/S (Luna/Edmunds): I move to approve Pending Rule Docket 08-0203-1103, as submitted. A roll call vote was taken, motion passed 7-1 (Mr. Lewis voted nay).

Discussion: Mr. Lewis asked when the end of course assessments would come into place and if it is necessary to end the Direct Writing Assessment (DWA) or Direct Math Assessment (DMA) in order to get to the end of course assessments, or if there is another course of action.

Mr. Luna commented that the timeframe for end of course assessments is the class of 2017.

Mr. Lewis asked if we know the rate of participation at this time. Mr. Luna commented that they will continue to post the prompts for these assessments and he will check on the rate of participation for Mr. Lewis.

10. Pending Rule – Docket 08-0203-1104 – Dual Credit, College Entrance Exam

Discussion: Mr. Luna commented that there were comments received from Idaho School Boards Association and that changes to the rule were made based on those and other public comments.

BOARD ACTION

M/S (Luna/Westerberg): I move to approve Pending Rule Docket 08-0203-1104, as submitted. A roll call vote was taken, motion carried unanimously.

Discussion: Mr. Terrell commented that he would like to see students brought up to four year math and science requirements.

OTHER BUSINESS

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

M/S (Westerberg/Terrell): To adjourn at 3:30 p.m. Motion carried unanimously.