



STATE BOARD OF EDUCATION  
TRUSTEES OF BOISE STATE UNIVERSITY  
TRUSTEES OF IDAHO STATE UNIVERSITY  
TRUSTEES OF LEWIS-CLARK STATE COLLEGE  
BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO  
STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION

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**APPROVED MINUTES  
STATE BOARD OF EDUCATION  
November 19, 2012  
Special Board Meeting  
Boise, ID**

A special meeting of the State Board of Education was held November 19, 2012. It originated at the Office of the State Board of Education, in the Len B. Jordan Building, 650 W. State Street, 3<sup>rd</sup> Floor in Boise, Idaho. Board President Ken Edmunds presided and called the meeting to order at 10:00 a.m. MST. A roll call of members was taken for the meeting.

**Present:**

Ken Edmunds, President  
Don Soltman, Vice President  
Emma Atchley, Secretary  
Milford Terrell

Tom Luna (joined at 10:15)  
Bill Goesling  
Rod Lewis  
Richard Westerberg

**BUSINESS AFFAIRS AND HUMAN RESOURCES**

**1. University of Idaho – Property Acquisition**

**BOARD ACTION**

**M/S (Terrell/Soltman): To approve the request by the University of Idaho to purchase the McCall campus for a purchase price of \$6.1 million and to pay transaction costs as set forth in the Purchase and Sale Agreement submitted to the Board; and further to authorize the Vice President for Finance and Administration, and Bursar of the University of Idaho to execute all necessary transaction documents for closing the purchase. A roll call vote was taken and the motion carried unanimously.**

**M/S (Terrell/Atchley): To approve the request by the University of Idaho for authority to use future bond proceeds to reimburse for the purchase of the McCall campus, including the purchase price and the costs and expenses associated with the purchase (including in this approval the Board's finding that the acquisition of the McCall campus is necessary for the proper operation of the University of Idaho and economically feasible), and further to approve the Resolution of the Board of Regents regarding the same, as set forth in Attachment 2 to the materials submitted to the Board. A roll call vote was taken and the motion carried unanimously.**

Mr. Terrell introduced the item and indicated the McCall property has been part of the University of Idaho's off-site campus for many years. The property is in a desirable location and has been a major asset to the University of Idaho and the Board staff recommends approval of this acquisition.

Dr. Goesling asked for clarification on the reserves identified by the University. University of Idaho's Vice President for Finance and Administration Ron Smith clarified the reserves are working capital and it is money obligated for future expenditures of which the balance is around \$10-\$15 million. Mr. Smith indicated the University intends to borrow from their working capital and pay it back with the sale of bonds. Mr. Edmunds asked if these reserves were previously set aside for this transaction or if they were unrestricted reserves. He wanted clarification on how this would be reported for accounting purposes. Mr. Smith responded it will show on their annual financial statement as unrestricted reserves. He added that in the net asset report by the University, they will be considered designated funds, clarifying that there will be a \$63 million unrestricted amount which will have designated funds subtracted from it.

Dr. Goesling asked for clarification for when they go to a bond issuance. Executive Director of Planning and Budget Keith Ickes responded that the University will use internal reserves to fund the purchase price and acquisition costs, and intends to reimburse its reserves from a future bond issuance. Mr. Ickes indicated that they have a base budget for the McCall property of \$55,535 which is and has been the lease payment for several years. The Land Board increased the lease rate to up to \$250,000 at which time the University discussed purchasing the property instead of leasing it. They estimate going forward that \$350,000 will be needed to do the debt service, and in the ensuing 18 months, they will receive monetary gifts and naming opportunities for this property to reduce the debt service and bonding. Mr. Terrell asked for an estimate of future gifts and if there is an interest in the naming of this property. Mr. Ickes indicated there is an expression of interest, but nothing specific at this time. He added that they are prepared to go forward in 18 months even if no gifts are received toward this opportunity and pay the full debt service.

Board President Edmunds asked a few questions about the acquisition regarding the appraisal value of the property, a third party involvement and title insurance. Mr. Nelson responded to the questions, summarizing the details of the appraisal by the Department of Lands as part of the exchange transaction, the third party involvement in the purchase, and that the title insurance is a safeguard in the transaction despite the fact that the transaction is with another state entity.

There was further discussion on the appraisal of the property. The University's legal counsel, Kent Nelson, responded by providing additional history on this item and that in the University's opinion it is a solid appraisal and the University stands behind it.

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

### 1. Pending Rule Docket 08-0110-1201 – Work Study Program

## **BOARD ACTION**

**M/S (Soltman/Terrell): To approve the Pending Rule with changes, Docket 08-0110-1201 as submitted.** A roll call vote was taken and the motion carried unanimously.

2. Pending Rule Docket 08-0111-1201 – Proprietary School and Postsecondary Education Institution Registration

**BOARD ACTION**

**M/S (Soltman/Atchley): To approve Pending Rule Docket 08-0111-1201 as submitted.** A roll call vote was taken and the motion carried unanimously.

3. Pending Rule Docket 08-0114-1201 – Rural Physician Incentive Fund

**BOARD ACTION**

**M/S (Soltman/Terrell): To approve Pending Rule Docket 08-1114-1201 – Idaho Rural Physician Incentive Program.** A roll call vote was taken and the motion carried unanimously.

Mr. Lewis asked if the rules that went to the Department of Health and Welfare were the same as the rules that were in place. Ms. Bent from the State Board office indicated the Department of Health and Welfare worked closely with Board staff and incorporated the requirements that were in Board rules into their legislation last year. The majority of the requirements are now part of Idaho Code.

4. Pending Rule Docket 08-0202-1206 – Alternate Route to Certification

**BOARD ACTION**

**M/S (Soltman/Goesling): To approve Pending Rule with changes Docket 08-0202-1206 – Rules Governing Uniformity as submitted and in compliance with federal regulation.** A roll call vote was taken and the motion failed five to three. Mr. Lewis, Mr. Luna, Mr. Terrell, Mr. Edmunds and Dr. Goesling voted nay on the motion.

**M/S (Terrell/Luna): To return this motion back to committee to bring it back to the floor on a day set forth before the Friday deadline with amendments.** A roll call vote was taken and the motion carried seven to one. Mr. Westerberg voted nay on the motion. It was agreed by all Board members to reconvene for a special meeting on Tuesday, November 20, 2012, at 2:00 p.m. MST to bring this item back to the floor.

Mr. Soltman introduced the item and indicated that for the second reading of this rule, there were some changes requested during the comment period to further clarify what extenuating circumstances would be acceptable for receiving a waiver under subsection 045.04. Otherwise, there were no comments or additional changes to the rule.

Mr. Lewis asked for further explanation on the deletions associated with the limited approval alternatives. Ms. Bent responded that the deletion was due to the expiration of that section. Mr. Lewis asked about the terms of the requirements necessary for a content specialist and para educator. He pointed out certain details in the previous rule and asked if the requirements were adequate for content specialists, and additionally what our requirement is for teachers in general if they are not required to hold at least an associate's degree and be required to fulfill certain requirements after that. Ms. Bent responded this rule was promulgated through the Board office and staff worked closely with the Professional Standards Commission and State Department of Education staff Christina Linder on the language of the rule. The issues they

were trying to address with these changes were for better alignment with the federal requirements for para professionals and to address timeline restrictions related to mentoring.

Ms. Bent indicated they can approve the pending rule without the language in subsection 01. There was discussion around holding a special meeting for this item before November 23<sup>rd</sup>. Mr. Lewis indicated there may still be a problem with the para educator portion even with that language deleted.

At this time during the meeting, Ms. Linder's comments were necessary to provide additional information. Unanimous consent was granted to postpone the item and proceed with the remainder of the agenda and return to the item at a time when Ms. Linder was able to participate in the meeting via phone.

Ms. Atchley made some additional comments regarding teacher certifications and that a bachelor's degree is required, but not in a specific area of content. Mr. Lewis expressed concern that a bachelor's degree is not required for a content specialist or para educator with the proposed amendments.

Ms. Linder provided clarification that the addition of a bachelor's degree or its equivalent is because the federal requirement for an alternate route. She commented that often student teachers have in essence everything up to the point of a bachelor's degree with the exception of completion of student teaching hours. Districts would like to hire those student teachers, but technically they do not have the actual degree in hand. The intention for this rule was to allow for the equivalent of a bachelor's degree in those cases where content knowledge exists.

Mr. Lewis suggested including the specific items or circumstances in the rule. Mr. Luna reiterated that the language in this rule is for compliance with federal law which is clear about a bachelor's degree and content knowledge. He also added that Department and Board staff walked this rule through the Professional Standards Commission. Ms. Linder insisted that they cannot have an alternate route for para educators because an alternate route has to have a bachelor's degree. With the federal requirements, they cannot legally do it without striking the language.

After extensive discussion, the Board requested that Board staff revise the proposed rule to clarify the requirement that candidates for certification must hold a Bachelor's degree or credit equivalent per review by the State Department of Education in accordance with specific federal regulations.

Ms. Bent suggested adding the language "in accordance with federal regulations" to the motion. There were no objections to the addition, however the motion failed. Mr. Terrell expressed confusion and concern about the changes being made to this rule. He recommended taking the motion off the table and returning to the item in a special board meeting later this week.

#### 5. Pending Rule Docket 08-0203-1201 – Home Schooled Student Recognition

### **BOARD ACTION**

**M/S (Soltman/Goesling): To approve Pending Rule Docket 08-0203-1201 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Lewis asked if the money received for financial aid for home schooled students is retained by the local school. Ms. Bent responded that this rule applies to the student's financial aid and if a school does not recognize a home schooled student as having received a secondary education then they are not eligible for federal financial aid that the student receives at the postsecondary level. Mr. Lewis wanted to ensure what is being adopted doesn't have unexpected consequences by imposing a requirement on home schooled students that was inadvertent. Ms. Bent indicated that language is quoted directly from what is in statute. Mr. Luna added the language has been in place for some time and has worked without problem thus far. Mr. Lewis recommended examining the language in statute in the future.

Ms. Atchley asked for clarification on staff comments in the agenda materials about home schooled students being "forced to pass the GED exam, thereby dismissing the secondary education they had received." Ms. Bent responded that the post secondary institutions' immediate response to the change in federal requirements was to require home schooled students to take the GED exam. Parents disagreed with the requirement, expressing that it discounted the education home schooled students receive. Mr. Lewis asked about the level of education achieved coming out of a home schooled environment. Ms. Bent responded that currently the language in statute and now in rule recognizes a home school education, but there aren't any requirements other than they be taught subjects commonly and usually taught in public schools. Mr. Luna followed up by stating there are no requirements in place for parents of home schooled students to evaluate educational outcomes. Only when the child goes on to pursue postsecondary education are requirements imposed by an institution to demonstrate the student has a certain knowledge and skill base – such as the GED exam or other assessments.

Mr. Lewis indicated it would be useful to know what our institutions require for home schooled students. Dr. Rush from the Board office responded that the institutions do require entrance examinations for all students such as the ACT or the SAT. Ms. Bent added that for home schooled students, an additional placement test is required as well. Mr. Lewis requested based on discussion that there be further review by the Department on this item. Dr. Goesling also asked for the requirements each institution places on home schooled students be included.

#### 6. Pending Rule Docket 08-0204-1201 – Charter Schools

##### **BOARD ACTION**

**M/S (Soltman/Terrell): To approve Pending Rule Docket 08-0204-1201 as submitted.** A roll call vote was taken and the motion carried unanimously.

#### 7. Pending Rule Docket 08-0301-1201 – Public Charter School Commission

##### **BOARD ACTION**

**M/S (Soltman/Atchley): To approve the amendment of Temporary and Pending Rule with changes Docket 08-0301-1201 as submitted.** A roll call vote was taken and the motion carried unanimously.

#### 8. Pending Rule Docket 47-0101-1201 – Division of Vocational Rehabilitation

##### **BOARD ACTION**

**M/S (Soltman/Terrell): To approve the Division of Vocational Rehabilitations Field Service Manual as submitted and incorporate it by reference into IDAPA 47.01.01.** A roll call vote was taken and the motion carried unanimously.

**AND**

**M/S (Soltman/Atchley): To approve Pending rule with changes Docket 47-0101-1201 as submitted, effective July 1, 2013.** A roll call vote was taken and the motion carried unanimously.

At this time, the meeting returned to item #4 on the PPGA agenda.

## **STATE DEPARTMENT OF EDUCATION**

1. Pending Rule Docket 08-0202-1201 – Endorsements, Health, Physical Education, Special Education Director, and Generalist

### **BOARD ACTION**

**M/S (Luna/Goesling): To approve Pending Rule – Docket No. 08-0202-1201 with changes to IDAPA 08.02.02.023, .024, and .028, Rules Governing Uniformity as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna introduced the item and indicated the only changes to Docket No. 08-0202-1201 between the proposed and pending stages was the removal of language added to IDAPA 08.02.03 subsection 026.03 during the proposed stage. These changes were made based on public input.

2. Pending Rule Docket 08-0202-1202 – Mathematical Thinking for Instruction Waiver

### **BOARD ACTION**

**M/S (Luna/Terrell): To approve Pending Rule – Docket No. 08-0202-1202 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna indicated the proposed rule ensures that state resources that go toward the cost of the Mathematical Thinking for Instruction (MTI) course go toward teachers that are currently teaching in an Idaho school.

3. Pending Rule Docket 08-0202-1203 – Certification Standards, Teacher Leader

### **BOARD ACTION**

**M/S (Luna/Goesling): To approve Pending Rule – Docket No. 08-0202-1203 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna indicated no public comments were received for this pending rule during the public comment period. As a result, the rule should be approved as originally proposed.

4. Pending Rule Docket 08-0202-1204 – Endorsements, Literacy, Consulting Teacher

## BOARD ACTION

**M/S (Luna/Goesling): To approve Pending Rule – Docket No. 08-0202-1204 with changes to Idaho Administrative Code IDAPA 08.02.02.007, .016, .021, .022, .023, .024, and .029, Rules Governing Uniformity as submitted.** A roll call vote was taken and the motion carried unanimously.

No public comments were received for sections .021, .022, .023, .024, and .029 during the public comment period. As a result, they are being submitted as originally proposed.

### 5. Pending Rule Docket 08-0203-1202 – Relationship Abuse and Sexual Assault Prevention

## BOARD ACTION

**M/S (Luna/Goesling): To approve Pending Rule – Docket No. 08-0203-1202 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna indicated this rule will help to ensure that Idaho public schools provide and support a safe environment conducive to learning that promotes healthy relationship skills and opportunities for Idaho students and addresses the growing problem of adolescent relationship abuse and sexual assault in Idaho schools.

### 6. Pending Rule Docket 08-0203-1203 – High School Graduation Requirements

## BOARD ACTION

**M/S (Luna/Terrell): To approve Pending Rule with changes – Docket No. 08-0203-1203 as submitted in Attachment 2.** A roll call vote was taken and the motion passed seven to one. Ms. Atchley voted nay on the motion.

Mr. Luna introduced the rule and provided some background comments, stating that the language requiring two on-line credits has been removed in response to the failure of Proposition 3. Mr. Soltman asked for clarification on the action being taken on the waiver of the math requirement. Mr. Luna indicated it would be the same as in February where the school districts were given the waiver and local districts would be allowed to waive the third year of math for seniors who have demonstrated a high level of math proficiency. There was further discussion around the math requirements. Ms. Bent clarified both voting options leave the math requirements in place. It was also clarified that the rule did not allow local school boards to waive Board rule, but that it set a minimum standard students must meet to be exempt from the math requirement during their last year of high school.

Moving on to discuss the on-line learning requirements, Mr. Edmunds asked whether they should be kept in place as part of the high school graduation requirements. Mr. Luna responded that that the reform package originally included a graduation requirement in the law itself. Mr. Soltman commented the issue arose of opposition to the law itself. Dr. Goesling commented that during the hearing process, stakeholders agreed that there should be some sort of technology requirement, but the type and number of credits were in question. Mr. Lewis encouraged the Board to continue to look at the topic of on-line learning as an important part of student preparation for postsecondary education. Dr. Goesling added that while visiting Salmon

River High School, he had received feedback from junior and senior students and teachers that they agreed it was critical to have their education actively involved in technology.

Mr. Westerberg expressed concern on how the waiver is granted for math and noted this for the record that the process of granting the waiver needs improvement. Ms. Willits from the Department provided background on how the math waiver portion arrived at where it is today, commenting that they are bringing forward what the Board had approved in June. Mr. Luna reminded the Board of the importance of setting high school graduation requirements that provide essential skills and knowledge for students to be ready for postsecondary education and one of those critical skills is knowing how to learn in an on-line environment. There was additional feedback from Board members on this item in support of on-line learning. Mr. Lewis reiterated that as the Board discusses future education reform, there is a great need to look closely at the levels of math that are required for high school students because currently the highest level of math required is geometry.

7. Pending Rule Docket 08-0203-1204 – Curricular Material Approval

**BOARD ACTION**

**M/S (Luna/Goesling): To approve Pending and amend Temporary Rule – Docket No. 08-0203-1204 with changes to IDAPA 08.02.03.128 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna reported that there were no comments during the comment period and that the rule authorizes the Board to determine the process by which the Department reviews and approves on-line courses. In response to the failure of Proposition 3 the language pertaining to on-line course approval is being stricken. There was one change to the rule regarding committee appointments to limit the number to no more than three from a given stakeholder.

8. Pending Rule Docket 08-0203-1205 – WIDA Standards

**BOARD ACTION**

**M/S (Luna/Terrell): To approve Pending Rule – Docket No. 08-0203-1205 as submitted.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna indicated this rule is for the adoption of the 2012 World Class Instruction Design and Assessment (WIDA) standards which come at no cost to the state. The Idaho Department of Education has entered into a Memorandum of Understanding (MOU) with WIDA for licensing and use of the standards. Currently Idaho funds professional development for standards implementation within the districts in the state. This cost for professional development will continue at the same rate and no additional expenses will be incurred.

9. Pending Rule Docket 08-0203-1206 – Definition of Professional Development

**BOARD ACTION**

**M/S (Luna/): I move to approve Pending Rule – Docket No. 08-0203-1206 with changes as submitted.** A roll call vote was taken and the motion carried unanimously.



Mr. Luna clarified that the definition in the proposed rule was crafted in order to define a holistic approach to professional development that is well planned and administered to develop and promote effective instructional practices. He indicated no comments received relevant to the remaining portion of this rule. In response to the rejection of Proposition 3, the definition of “one-to-one mobile computing program” has been stricken.

10. Rescission and/or Vacation of rules – Docket 08-0201-1201, Fractional ADA and Docket 08-0202-1205, Teacher and Principal Evaluations

**BOARD ACTION**

**M/S (Luna/Terrell): To rescind the Temporary and Vacate the Proposed Rule – Docket No. 08-0201-1201.** A roll call vote was taken and the motion carried unanimously.

**AND**

**M/S (Luna/Atchley): To vacate the Proposed Rule – Docket No. 08-0202-1205.** A roll call vote was taken and the motion carried unanimously.

Mr. Luna indicated the temporary rule should be rescinded and that vacating the proposed Docket 08-0201-1201 will make the temporary rule null and void and eliminate the proposed rule.

**OTHER BUSINESS**

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

**M/S (Terrell/Luna): To adjourn at 12.13 p.m. The motion carried unanimously.**