

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**APRIL 18, 2013**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>BOISE STATE UNIVERSITY – Ed.S. IN EDUCATIONAL LEADERSHIP WITH SUPERINTENDENT ENDORSEMENT PROPOSAL</b>	Approval Item
<b>2</b>	<b>LEWIS-CLARK STATE COLLEGE – STUDENT HEALTH INSURANCE WAIVER</b>	Approval Item
<b>3</b>	<b>AMENDMENT TO BOARD POLICY V.M. INTELLECTUAL PROPERTY – FIRST READING</b>	Approval Item

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**BOISE STATE UNIVERSITY**

**SUBJECT**

Approval of New Self-support Educational Specialist (Ed.S.) in Educational Leadership with a Superintendent Endorsement

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section III.G. 4 and 5.

**BACKGROUND/DISCUSSION**

Boise State University (BSU) proposes to create a new self-support program that will award an Education Specialist degree (Ed.S.) in Educational Leadership. Successful graduates of this program will be recommended to the Idaho State Department of Education for the Idaho Superintendent endorsement.

BSU's program was created in response to an increasing national call for a new approach to educational leadership preparation at both the district and school level. As was articulated in the recent 2012 report by the Task Force on Educator Preparation and Entry into the Profession, of the Council of Chief State School Officers:

*"...leadership ranks second only behind instruction as a critical factor in student achievement and growth."*

The proposed program will be offered in Boise State University's regional service area. The program will be delivered face-to-face using a closed cohort model but will use a non-traditional approach that is fundamentally different from those currently offered in Idaho. It will target and recruit educators who have demonstrated leadership capacity or potential. Fifteen students will be admitted annually. The program will use a closed cohort structure to support the needs of adult learners and to facilitate a collaborative learning environment. Such an environment will foster a professional learning network that can support aspiring leaders during pre-service preparation and as they transition into district-level leadership roles.

BSU's integrated, standards-based curriculum will create transformational, "turnaround" leaders. In an integrated curriculum, students learn about specific aspects of school law and school finance, for example, as they learn about broader topics such as system-wide improvement of teaching and learning. The curriculum will be developed by a faculty team in consultation with practicing superintendents. The program will bridge the gap between theory and practice in three ways (i) A student-centered pedagogy will emphasize problem-based learning (an approach used in the medical field); (ii) All BSU faculty members have extensive, recent experience as practitioners; and (iii) Exemplary practicing

superintendents will serve as formal mentors to each cohort, attending all class sessions.

In addition to providing an educational opportunity for aspiring educational leaders, the program will cause far-reaching improvements in PK-12 education in the state of Idaho by preparing graduates for the current complexities of district-level administrative positions and to make the essential changes to our educational system necessary to meet future challenges.

In his letter of support for the proposed program, Bob Lokken, Chair of the Education Alliance of Idaho and President & CEO of WhiteCloud Analytics, states:

*"...I am passionate about growing Idaho's future economy. I believe that creating new leaders is essential to driving needed improvements in our K-12 public school system. We need to enhance our educational system to create graduates who have the skills necessary to fill jobs that will move our companies and economies forward. I fully support creating an Executive Educational Leadership program at Boise State University."*

The primary target market for the proposed program consists of individuals located in Idaho or adjacent states and, (i) who are presently principals or other educational administrators, (ii) are teachers who have earned a master's degree in another area (such as literacy), but desire to become administrators, increase their leadership skills, and/or earn an advanced degree, or (iii) are employed in a government agency (e.g., the State Department of Education). The target market will also include those who seek to be certified at the Superintendent level. The program will appeal to those who seek a program that utilizes a closed cohort format with an integrated curricular structure focused on transformational change, as opposed to a traditional curricular structure offered in a non-cohort format.

BSU's program will enhance leadership preparation in the state's rural school districts in several ways: (i) The program will be offered on a schedule that will enable a student from a rural district to travel to Boise for one weekend a month and for two weeks during the summer. (ii) Students participating in BSU's closed-cohort model will be in a strongly supportive group of students, resulting in lower attrition than those in an online program. (iii) A closed cohort model will provide a popular option for students who learn best in a face-to-face format. (iv) BSU's program will make use of practicing rural superintendents as contributors to the program.

Workforce need for Ed.S. graduates in Educational Leadership can be estimated using annual openings for the categories "Education Administrators, All Other" and "Education Administrators, Elementary & Secondary" where 54 annual

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openings are predicted statewide; and 10,330 annual openings are predicted nationally. These two categories will generally include the educational leadership positions for which the program will prepare students in any of the following jobs: Superintendent, Associate Superintendent, Assistant Superintendent, Director of Curriculum, Director of Federal Programs, Area or Region Directors, Directors of Elementary or Secondary Education, Director of Instruction, Director of Technology, Supervisor of Mathematics or Social Studies, etc. Additionally, the Idaho State Department of Education reported between 88%-90% of Idaho's superintendents would be eligible to retire between 2005 and 2015.

A survey sent to 415 high school principals and superintendents in the southwestern region of Idaho yielded 62 (or 15%) responses. Pertinent results from the survey are:

- 45.2% reported that they are likely to enroll in a college or university in the next three years to pursue a credential to enhance their professional skills and career
- 29.3% (i.e., 17 individuals) reported that they are likely to enroll in Boise State's Ed.S. degree program in the next three years

A subsequent survey, not described in the proposal, was sent in March, 2013, to 970 principals and superintendents in public and charter schools and districts throughout the state. Responses were received from 152, or 15.7%. Of the 127 respondents who identified themselves as not holding superintendent positions:

- 58% are interested in becoming a superintendent
- 69% are interested in pursuing an advanced degree in education, and three-quarters of those are interested specifically in an Educational Specialist degree
- 46% of those interested in pursuing an advanced degree (39 individuals) would prefer to enroll at BSU rather than at one of the other three institutions in Idaho

UI has objected to the proposed program, citing duplication with its own Ed.S. in Leadership program offered both face-to-face and online from UI's Boise Center. However, Board policy III.Z is very clear regarding the offering of programs that are not the statewide responsibility of any institution, and which are therefore the "Service Region Program Responsibility" of, in this case, BSU. BSU has fulfilled the conditions of policy III.Z by including the proposed program in its 5-year plan that was submitted in spring of 2012.

Furthermore, the closed-cohort delivery model of BSU's proposed program differs substantially from UI's traditional delivery model, and will therefore appeal to a different clientele. In addition, UI's program relies on traditional methods of recruiting, via advertising, etc., whereas BSU's program will make use of targeted recruiting, in which individuals with leadership potential are specifically sought

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out. The programs together would reach a substantially greater population than either recruiting method alone, with the result that a substantially greater proportion of district-level educational leaders in the state will receive advanced degrees.

Board policy III.Z identifies that Service Region Program shall mean an educational program to be delivered by the institution within its respective service region that meets regional educational and workforce needs. It further indicates that Service Region Program Responsibility shall mean an institution's responsibility to offer and deliver a Service Region Program to meet regional educational and workforce needs in its primary service region as defined in Section III.L.3. As identified in III.L.3., the Southwest Region is the program service region of BSU and the College of Western Idaho (CWI), and they are therefore considered the Designated Institutions.

It is the responsibility of the Designated Institution to plan for and determine the best means to deliver a Service Region Program, and they may plan and develop the capacity to offer a program within a service region where such program is currently being offered by another institution (the Withdrawing Institution) as follows:

- 1) The institution shall identify its intent to develop the program in the next update of its Institution Plan. The institution shall demonstrate its ability to offer the program through the requirements set forth in Subsection b.ii.1) above.
- 2) Except as otherwise agreed between the institutions pursuant to an MOU, the Withdrawing Institution shall be provided a minimum three (3) year transition period to withdraw its program.

BSU garnered support from the following entities and individuals for the proposed Ed.S. Educational Leadership program: Bob Lokken, WhiteCloud Analytics; Representative Paul Shepherd; Melissa Nickell, TVEP; Derick O'Neill, United Way; Rob Winslow, Idaho Association for School Administrators; Jim Everett, David Duro, Teresa Wood-Adams, YMCA; Jon Ruzicka, Capital High School; Mary Ann Ranells, Superintendent Lakeland School District; and Dr. Lonnie Barber, Superintendent, Blaine Co.,

**IMPACT**

BSU plans to charge \$450 per credit hour taken. In the third year of the program (when the program is fully functional), two cohorts will be active (one that began in the second year and one that began in the third year), and BSU will teach, for those two cohorts, a total of five (5) courses of six (6) credits each. Conservatively, BSU estimates cohort size to be 15 students beginning in each cohort with attrition resulting in 10 graduates per cohort. Thus BSU will produce 378 student credit hours per year for a total gross income of \$170,100.

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**ATTACHMENTS**

Attachment 1 – EdS in Leadership Proposal and letters of support      Page 7

**STAFF COMMENTS AND RECOMMENDATIONS**

Boise State University (BSU) proposes to create a new self-support program that will lead to an Education Specialist (Ed.S.) in Educational Leadership with a focus on preparing students for the Superintendent Endorsement. The program builds upon BSU's existing Master's degree program in Educational Leadership using a similar model to create a preparation program for district-level leaders. Students will complete five, six-credit modules to be taken over the course of five semesters.

BSU indicates that the proposed program will require a two-year commitment up front from students. This will be in the form of a verbal agreement with intention to complete the entire program. While there will be no penalties if a student chooses to drop out of the program, students would not be allowed to jump back into the cohort they left at a later date. Students would have to reapply to the program and begin again. Ideally, all successful students would complete the program in five consecutive semesters.

BSU's request to create a new self-support Educational Specialist degree in Educational Leadership is consistent with their Service Region Program Responsibilities and their Five-year Plan for Delivery of Academic Programs in the Southwest Region. Pursuant to III.Z., no institution has the Statewide Program Responsibility for Education. Currently, the only adjacent state to offer an Ed.S., in Educational Leadership is Montana State University. The following represents programs in Educational Leadership currently being offered:

Institution	Program Title	CIP Code	Degree Level/Certificate	College/Dept.	Location(s)	Regional/ Statewide	Method of Delivery
BSU	Educational Leadership	13.0401	M.Ed.	Education/ Curriculum, Instruction, and Foundational Studies	Boise	Regional	Traditional
ISU	Educational Leadership	13.0401	Ed D	Education	ISU Campus	Regional	Hybrid
ISU	Educational Leadership (Ed. Admin.)	13.0401	Ed D Emp.	Education	ISU Campus	Regional	Hybrid
ISU	Educational Leadership (Ed. Training & Dev.)	13.0401	Ed D Emp.	Education	ISU Campus	Regional	Hybrid
ISU	Educational Leadership (Higher Ed. Admin.)	13.0401	Ed D Emp.	Education	ISU Campus	Regional	Hybrid
ISU	Educational Administration	13.0499	Ed S	Education	ISU Campus	Regional	Hybrid

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UI	Educational Leadership	13.0401	M.Ed.; Ed.S.Ed.Ldrshp.	ED	Boise, Coeur d'Alene, Moscow	Regional	Online, Hybrid, Face- to-Face
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The proposal went through the program review process and was presented to the Council on Academic Affairs and Programs (CAAP) on February 28, 2013. The University of Idaho did not support the establishment of a new Ed.S., Educational Leadership program based on economics, effective use of state resources, and debatable need for another program in the state.

CAAP held significant discussion regarding the provisions provided in Board Policy III.Z. regarding an institution's right to first offer a program in their respective service region and how it applies to existing online educational programs. CAAP determined based on current, literal interpretation of Board Policy III. Z. to recommend BSU's proposal be moved forward to Instruction, Research, and Student Affairs (IRSA) committee. A roll call vote was taken as follows: 5 yes, 1 no, 3 abstain, and 1 no response.

While CAAP supported moving the program proposal forward, they concluded there are many complexities regarding Board Policy III.Z. and how it applies to program longevity, modality, program model and impact of program viability. CAAP determined that discussion with IRSA will be necessary regarding Board Policy III.Z. and the associated complications with online education. A roll call vote was taken as follows: 8 yes, 1 no and 1 abstain.

BSU also requests approval to assess a self-support fee consistent with Board Policy V.R.3.b.(v). Based on the information for self-support fees provided in the proposal, staff finds that the criteria have been met for this program. CAAP and Board staff recommends approval of the proposed self-support Ed.S. in Educational Leadership as presented.

**BOARD ACTION**

I move to approve the request by Boise State University to create a new self-support Educational Specialist degree in Educational Leadership.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

I move to approve the request by Boise State University to designate a self-support fee for the Ed.S. in Educational Leadership in conformance with the program budget submitted to the Board in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_



## Idaho State Board of Education

### Proposal for Graduate and Doctoral Degree Program

Date of Proposal Submission:	November <sup>9</sup> 10, 2012
Institution Submitting Proposal:	Boise State University
Name of College, School, or Division:	College of Education
Name of Department(s) or Area(s):	Department of Curriculum, Instruction, and Foundational Studies

**Program Identification for Proposed New, Modified, or Discontinued Program:**

Title:	Executive Educational Leadership Program		
Degree:	Education Specialist in Educational Leadership with Superintendent Endorsement		
Method of Delivery:	Face to Face: closed cohort model.		
CIP code (consult IR /Registrar)	13.0401 Educational Leadership and Administration, General		
Proposed Starting Date:	Summer, 2013		
Indicate if the program is:	<input checked="" type="checkbox"/> <b>Regional Responsibility</b>	<input type="checkbox"/> <b>Statewide Responsibility</b>	

**Indicate whether this request is either of the following:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> New Graduate Program | <input type="checkbox"/> Contract Program/Collaborative                           |
| <input type="checkbox"/> New Doctoral Program            | <input type="checkbox"/> Expansion of an Existing Graduate/Doctoral Program       |
| <input type="checkbox"/> New Off-Campus Graduate Program | <input type="checkbox"/> Consolidation of an Existing Graduate/Doctoral Program   |
| <input type="checkbox"/> New Off-Campus Doctoral Program | <input type="checkbox"/> Discontinuation of an existing Graduate/Doctoral Program |

<u>Deane Boothe</u> 10/31/12 College Dean (Institution) Date	<u>[Signature]</u> 3/21/13 Vice President for Research (as applicable) Date
<u>John R. Pelton</u> 1 Nov 2012 Graduate Dean (as applicable) Date	<u>[Signature]</u> 3/21 Academic Affairs Program Manager Date
<u>[Signature]</u> 10/30/12 Chief Fiscal Officer (Institution) Date	<u>[Signature]</u> 3/21 Chief Academic Officer, OSBE Date
<u>[Signature]</u> 11/2/12 Chief Academic Officer (Institution) Date	SBOE/OSBE Approval Date
<u>[Signature]</u> 4/4/12 President Date	

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**Before completing this form, refer to Board Policy Section III.G., Program Approval and Discontinuance.** This proposal form must be completed for the creation of each new program and each program discontinuation. All questions must be answered.

- 1. Describe the nature of the request.** Will this program be related or tied to other programs on campus? Please identify any existing program, option that this program will replace. *If this is request to discontinue an existing program, provide the rationale for the discontinuance. Indicate the year and semester in which the last cohort of students was admitted and the final term the college will offer the program. Describe the teach-out plans for continuing students.*

Boise State University proposes to create a new Executive Educational Leadership program that will award the Education Specialist degree (Ed.S.) in Educational Leadership. Candidates meeting all established Idaho Administrator Certificate and endorsement requirements as delineated in IDAPA 08.02.02.026.02 will be recommended to the Idaho State Department of Education for the Idaho Superintendent endorsement.

In addition to providing an educational opportunity for aspiring educational leaders, our program and its graduates will cause far-reaching improvements in PK-12 education in the state of Idaho. This will occur not only because our proposed program will prepare graduates of the program for the current complexities of district-level administrative positions, but it will also prepare them to make the essential changes to our educational system necessary to meet future challenges.

In his letter of support for the proposed program, Bob Lokken, President and CEO of WhiteCloud Analytics, states:

*"...I am passionate about growing Idaho's future economy. I believe that creating new leaders is essential to driving needed improvements in our K-12 public school system. We need to enhance our educational system to create graduates who have the skills necessary to fill jobs that will move our companies and economies forward. I fully support creating an Executive Educational Leadership program at Boise State University. Allowing BSU to offer an Educational Specialist Degree that culminates in a School Superintendent certification, will create a competitive approach to higher education in producing real school leaders."*

Our program will use a non-traditional approach that is fundamentally different from those currently offered in Idaho. Specifically:

- The admission process will focus primarily on targeted recruitment of principals and teachers, as well as professionals from outside the field of education, who have demonstrated their potential for leadership.
- The program will use a closed cohort model.
- The curriculum will be organized and taught using an integrated, spiral design.
- Exemplary practicing school superintendents will serve as cohort mentors attending all class sessions.

The proposed program builds on the success of our current master's degree program in educational leadership, and will use a similar model to create a preparation program for district-level leaders. Preliminary analysis of a sample of Boise State graduates currently employed as principals or assistant principals demonstrates a far better than average level of effectiveness when compared to a national sample, with rankings ranging from the 75th percentile to the 87th percentile. Additionally, Boise State's educational leadership faculty, in collaboration with faculty in the Center for School Improvement and Policy Studies, recently received a grant for \$3.8 million from the Albertson Foundation to develop leadership capacity in 49 school districts throughout the state. The funding of such a large-scale effort to serve the needs of in-service educators demonstrates a substantial level of confidence in the capabilities of the Boise State faculty.

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- 2. List the objectives of the program.** The objectives should address specific needs the program will meet. They should also identify and the expected student learning outcomes and achievements. *This question is not applicable to requests for discontinuance.*

*The Need for a New Approach to Preparation for Idaho's Educational Leaders*

In the past three decades, the role of school leaders has radically changed. Policy makers, taxpayers, parents, and other stakeholders are asking educational leaders to meet new expectations and demonstrate a greater level of effectiveness. They are required to not only manage schools and school systems, but also lead them through an era of profound social change that necessitates a fundamental rethinking of what schools do and how they do it. In short, they are called upon to lead in the redesign of the public education system. In the early years of standard-based education such transformational leadership was the focus of principal preparation programs; however, it is now widely acknowledged that transformational and instructional leadership at the school level will not be fostered or sustained without expecting the same type of leadership at the district level (Fullan, 2005; Honig et.al., 2010; Spovitz, 2006).

Traditional preparation programs have been critiqued as having low admission standards and as offering an irrelevant, theory-heavy curriculum; offering inadequate field experiences; providing a weak research base; and relying on a faculty composed of too many adjunct professors, professors with minimal experience as school administrators, or professors who have been out of the PK-12 field for several years. Nationally, a comprehensive study of preparation programs found that only 2% of education faculty members have been superintendents (Levine, 2005).

Traditional university-based leadership preparation programs have been slow to change, and they therefore continue to graduate aspiring leaders who are ill-prepared to meet the new requirements of the job (Levine, 2005; Davis, Darling-Hammond, LaPointe, & Meyerson, 2005). According to Public Agenda survey data, 80% of practicing school superintendents report that their preparation programs did not prepare them for the realities of the job (Darling-Hammond, LaPointe, & Meyerson, 2005). In 2005, an external taskforce, organized by Boise State's College of Education and comprised of representatives from local school districts, recognized the urgent need to better prepare educational leaders to meet the increased demands in Idaho's schools.

More recently, at the request of Boise State, Eduventures surveyed high school principals and superintendents to gather information that could guide the development of the proposed program. Sixty-two of 413 eligible respondents (15%) completed the survey. Results from the survey clearly reinforced the assertion that traditional programs have failed to adequately prepare educational leaders. Seventy-nine percent of the respondents said, in their school district, there is a minor to large absence of *change leadership*, 81% reported a minor to large absence of *public leadership*, 83% identified a minor to large absence of *strategic leadership*, and 84% said there is a minor to large absence of *leaders who can develop and manage organizational culture*. Such leadership is the kind needed to meet the contemporary demands of the job, as well as future challenges. As stated by Lonnie Barber, Superintendent of the Blaine County School District,

*"Now more than ever we need an Educational Specialist degree that will prepare our educational leaders for the 21<sup>st</sup> century.... I received both my Educational Specialist Degree as well as my Ph.D. from the University of Idaho but it is my firm belief that Boise State University is both capable and poised to create a program that is more focused on the type of leadership development currently needed as well as to build the support that is necessary for these leaders following their graduation."*

*The Characteristics of Exemplary Programs:*

According to the literature cited below, exemplary preparation programs share the following characteristics:

- Vigorous, targeted recruitment of students to identify educators with leadership potential.
- A cohort structure to encourage social and professional support, collaborative learning, improved academic achievement, and greater completion rates.
- A guiding conceptual framework for the development of a coherent curriculum aligned to standards and designed to develop leaders who can successfully lead practices associated with organizational change and improvement, particularly the improvement of teaching and learning.
- Student-centered instruction and formalized mentoring by expert practitioners to bridge theory with practice and to support transitions from preparation to practice.
- Faculty working in teams, who are knowledgeable in their field, and who are experienced as PK-12 administrators.
- Well-designed clinical experiences to allow students to engage in leadership responsibilities for substantial periods of time under the supervision of exemplary veteran administrators.

(Darling-Hammond, et.al., 2007; Jackson & Kelley, 2002; Kraus & Cordeiro, 1995; Lawrence, 2002; Leithwood, et.al., 1996; Nimer, 2009; Norris & Barnett, 1994; Teitel, 1997)

*Key Components of the Proposed Program*

- Boise State's program will target and recruit educators, as well as professionals outside the field of education, who have demonstrated leadership capacity or potential. Fifteen students will be admitted into the closed cohort annually. Traditional programs often do not conduct targeted recruitment efforts. Most often, these programs admit students who meet their academic criteria; however, these students may or may not intend to become school administrators.
- Boise State's program will use a closed cohort structure to support the needs of adult learners and facilitate a collaborative learning environment. In addition, a closed cohort structure will foster a professional learning network that can support aspiring leaders during pre-service preparation and as they transition into district-level leadership roles. Closed cohort models improve academic achievement and increase completion rates. Although cohort models have been used in educational leadership preparation since the 1950s, and despite their many documented benefits, most programs continue to use a non-cohort model. In his letter of support, Jon Ruzicka, Principal of Capital High School, states:  
*"This new program is the perfect vehicle to bring together administrators to discuss, learn, and develop leadership skills needed to bring education forward in our State, and to face the upcoming challenges and demands we will face."*
- Boise State's program will use a conceptual framework to guide the development of an integrated, standards-based curriculum intended to engender transformational, "turnaround" leaders. In an integrated curriculum, students learn about specific aspects of school law and school finance as they learn about broader topics such as system-wide improvement of teaching and learning. Respondents to the survey conducted by Eduventures identified four areas in which they would seek to develop skill and knowledge through graduate study—instructional leadership (48.4%), change leadership (45.2%), strategic leadership (41.9%), and developing and managing organizational culture (41.9%). Among a variety of choices, these four leadership domains were ranked the highest. Taken together, the development of skill

and knowledge in these areas engenders transformational leadership.

- Boise State's curriculum will be developed by a faculty team in consultation with practicing superintendents, and will be organized into five 6-credit modules. Educational Leadership faculty will collaborate with faculty who teach in other leadership-related programs (e.g., MBA and Public Administration) to integrate a multidisciplinary strand into each module. In traditional programs, faculty often work in isolation, without the benefit of connecting the content they teach to the content others teach or to an overarching conceptual framework that defines the type of leader the program is intended to foster. Traditional preparation programs are typically comprised of isolated, self-paced, 3-credit courses that focus on specific topics such as school finance or school law.
- Boise State's program will bridge the gap between theory and practice in three primary ways. First, a student-centered pedagogy will emphasize problem-based learning (an approach used in the medical field). Second, all Boise State faculty have extensive, recent experience as practitioners. Third, exemplary practicing superintendents will serve as formal mentors to each cohort, attending all class sessions. The curriculum in traditional programs has been critiqued as too theoretical, irrelevant, or laden with "war stories" inappropriate to the contemporary realities of the job. Too often educational leadership faculty members have no experience as PK-12 administrators.

In her letter of support for the proposed program, Dr. Mary Ann Ranells, Superintendent of Schools in the Lakeland Joint School District, states:

*"As superintendent of schools for the Lakeland Joint School District #272 and a participant in the Idaho Leads Project, I know the proposed Executive Educational Leadership Program will set a new standard of excellence for creating leaders who will take us forward in public schooling."*

In their letter of support, Jim Everett, David Duro, and Teresa Wood-Adams, executives with the Treasure Valley Family WMCA, state:

*"We are excited about this proposed new degree program at BSU....we know it will be effective and hold itself accountable to driving change in a measurable and meaningful way."*

- 3. Briefly describe how the institution will ensure the quality of the program** (i.e., program review). Will the program require specialized accreditation (it is not necessary to address regional accreditation)? If so, please identify the agency and explain why you do or do not plan to seek accreditation. *This question is not applicable to requests for discontinuance.*

The following measures will ensure the high quality of the proposed program:

Regional Institutional Accreditation: Boise State University is regionally accredited by the Northwest Commission on Colleges and Universities (NWCCU). Regional accreditation of the university has been continuous since initial accreditation was conferred in 1941. Boise State University is currently accredited at all degree levels (A, B, M, D).

Program Review: Internal program evaluations will take place every five years as part of the normal departmental review process conducted by the Office of the Provost. This process requires a detailed self study (including outcome assessments) and a comprehensive review and site visit by external evaluators.

Graduate College: The program will adhere to all policies and procedures of the Graduate College, which is assigned broad institutional oversight of all graduate degree and certificate programs.

Specialized Accreditation: The program will be reviewed and accredited by the Idaho State Department of Education and the National Council for the Accreditation of Teacher Education

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(NCATE).

Program Evaluation: In addition, it is our intent to systematically evaluate the program using the following information:

- Admission data (demographics, requirements, number of applicants, number accepted, number provisional, and types of provisional acceptance)
- Mid-program and summative evaluation of students
- Student evaluations for each module
- District Report Cards and other publically available data from districts employing program graduates
- Alumni Surveys
- The percentage of graduates who seek and are placed in leadership positions
- Employers' satisfaction with the performance of graduate students
- The influence of graduates on student learning, achievement, and other measures of school success

4. **List new courses that will be added to your curriculum specific for this program.** Indicate number, title, and credit hour value for each course. Please include course descriptions for new and/or changes to courses. *This question is not applicable to requests for discontinuance.*

**Module 1: (ED CIFS 676) Foundations of Leading Complex Educational Organizations (6 credits).** This module introduces several constructs related to leading complex educational organizations including leadership theory, organizational theory, how policy works, the moral imperative of educational leadership in addressing persistent problems of practice, and the role of district-level leaders in improving learning. Multiple theories of system-level leadership from within the discipline and outside the field of education are introduced. System-level educational leadership is located in a context of values, moral principles, and historical dilemmas in public education in a democratic society.

The connection between leadership and learning is introduced, as well as the role of superintendent and district-level leadership in promoting systemic innovation and change. A variety of theoretical perspectives that can be used to analyze policy content, processes, and outcomes are introduced and the many ways people in different positions in organizations can influence policy are explored. Each major construct studied in this module is examined in greater depth in subsequent modules.

**Module 2: (ED CIFS 677) Leading Continuous System-wide Improvement of Learning (6 credits).** Students examine the role of the superintendent and district-level leadership in continuous improvement of learning on three levels—student learning, professional learning, and system learning. Students explore the meaning and the implications for leaders of contemporary reform movements in the public school system and examine a variety of topics related to reform at the school, district, state, and national level. Students examine specific topics related to change and innovation (e.g., role of beliefs, symbols and norms, diffusion of innovations, and research issues).

Students investigate multiple learning theories and consider the nature of learning and learner differences, particularly how educators can work productively with these differences, in relation to particular subjects, assessment, technology, and diversity (language, culture, and disability). Additionally, the meaning of the performance gap between relatively advantaged and disadvantaged students in contemporary American schools and school districts, and the possibilities for reducing and closing it is investigated.

Students also examine multiple approaches for supporting professional learning and the ways in

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which system-level leaders address the quality of teaching and learning in classrooms, including theory, research, and practice related to effective supervision and evaluation of instructional personnel.

Students investigate the nature and dynamics of organizations within large educational systems, exploring how organizations are designed and function, how policy works, and how systems change, adapt and learn. Finally, students consider the role of superintendent and district-level leadership in fostering partnerships with local, state, and national entities to enhance system-wide educational opportunities for all students.

**Module 3: (ED CIFS 678) The Superintendency and Executive Level Leadership: Theory and Research (6 credits)** In this module, students investigate the theory, research, and practice related to the contemporary demands of the superintendency and other executive level leadership roles. Critical issues and problems of practice are explored, including effective and efficient governance of the district; budgeting processes; personnel management and development; staff relations; superintendent-board relations; bond issues; facilities planning; and superintendent as instructional leader. Students examine the procedures and techniques pertinent to the management of organizational conflict, including collective bargaining, grievance procedures, mediation, fact finding, and arbitration. A particular emphasis is placed on examining the dynamics of the interface between the public schools and the community.

**Module 4: (ED CIFS 679) The Superintendency and Executive Level Leadership: Clinical Experience (6 credits).** This module places candidates in approved partnership districts for an extended clinical experience focus. This module also introduces students to systematic inquiry—fundamental ideas about knowing and knowledge, data and evidence, and the applications of these ideas in settings that invite leadership action to address educational issues. In addition, students meet in scheduled university classes throughout the experience. Individual work plans are developed collaboratively with student, mentor, and advisor.

**Module 5: (ED CIFS 680) The Superintendency and Executive Level Leadership: Capstone Course (6 credits).** Students engage in systematic inquiry in the context of their on-going clinical experience, creating viable, rigorous designs for action-oriented research into local problems of practice. Students develop data collection tools, produce high-quality quantitative and qualitative data, and construct evidence for claims. This module equips system-level leaders with the skills, knowledge, and dispositions to foster a district-wide culture of inquiry and continuous improvement evidenced by authentic and productive strategic planning, high-quality program evaluation, and other forms of data based decision making.

**Note regarding the Integrated Content in all Modules 1-5:** Two content strands are woven throughout each module. The first content strand considers two major issues facing leaders of complex educational systems—securing and allocating resources (material and human) and conforming to the legal principles and precedents that govern public education. Integration of this strand requires students to examine the legal and financial dimensions of the problems of practice presented in each module. Integration of the second content strand requires students to examine problems of practice from a multidisciplinary perspective. For example, in Module 2 as students are presented with a problem-based learning scenario focused on the dismissal of an incompetent teacher, they not only consider the role of effective human resource management in the improvement of learning, but also the legal and financial implications for leaders in addressing the issue. Additionally, they are prompted to look outside the field of education for theory, research, and practice related to effective human resource management.



5. Please provide the program completion requirements to include the following and attach a typical curriculum to this proposal as Appendix A. For discontinuation requests, will courses continue to be taught?

Credit hours required:	30
Credit hours required in support courses:	NA
Credit hours in required electives:	NA
Credit hours for thesis or dissertation:	NA
<b>Total credit hours required for completion:</b>	<b>30</b>

6. Describe additional requirements such as preliminary qualifying examination, comprehensive examination, thesis, dissertation, practicum or internship, some of which may carry credit hours included in the list above. This question is not applicable to requests for discontinuance.

Students will produce a professional portfolio, which will include components demonstrating competencies aligned with the Idaho Standards for Administrators and the Idaho Superintendent Standards, as well as a scholarly theory of action and the written product resulting from the systematic inquiry conducted in ED CIFS 680 (Module 5).

7. Identify similar programs offered within Idaho or in the region by other colleges/universities. If the proposed request is similar to another state program, provide a rationale for the duplication.

**Degrees/Certificates offered by school/college or program(s) within disciplinary area under review**

Institution and Degree name	Level	Specializations within the discipline (to reflect a national perspective)	Specializations offered within the degree at the institution
BSU M.Ed. in Educational Leadership	Master's	From description of CIP 13.0401: A program that focuses on the general principles and techniques of administering a wide variety of schools and other educational organizations and facilities, supervising educational personnel at the school or staff level, and that may prepare individuals as general administrators and supervisors	From the BSU catalog: "The College of Education offers a master's degree in Educational Leadership, designed to develop effective leaders in educational settings. The interdisciplinary course work provides students with the basis for a thorough understanding of leadership, management and reform within educational institutions. Students will have collaborative opportunities to effectively influence current education programs and student learning."
Ed.S. in Educational Leadership (proposed)	Educational Specialist		The proposed program will offer an Education Specialist degree designed to develop effective system-level leaders. The interdisciplinary course work depends upon instructional coherence achieved through consistency among

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		the faculty. Curricular content is based upon the guiding principle that executive educational leadership is the privilege to exercise significant and responsible influence. Such an understanding of leadership necessitates that educators have a moral obligation to ensure an equitable and excellent education for all students; nurture and sustain processes and structures that lead to the improvement of schools as places for learning; encourage authentic involvement of all stakeholders; commit to critical reflection and inquiry as professional responsibilities; understand the link between teaching and learning; and exercise agency to influence improvement in the classroom. To foster these leadership attributes, the curriculum focuses on developing strategic, public leaders who can facilitate change and develop healthy organizational cultures.
<b>CSI</b>	NA	
<b>CWI</b>	NA	
<b>EITC</b>	NA	
<b>ISU</b>		<i>From the ISU website:</i>
<b>M.Ed. &amp; Ed.D. in Educational Leadership</b>	Doctoral	<p><i>"The Master of Education with Educational Administration Emphasis is designed to strengthen the student's understanding, knowledge, and skills in Core Professional Studies and Educational Leadership as they relate to building level administration."</i></p> <p><i>"The Doctor of Education in Educational Leadership is the College of Education's highest degree preparing leaders for pre K-12 and Higher Education. Concentrations in Educational Administration and Higher Education Administration share a core of doctoral studies and branch to more focused curricula with specialty courses. Typically, students enter the programs with substantial knowledge, skills, abilities, and experience. The program supports their further development as scholars, researchers, and, especially, as leaders. Those core areas of the programs are represented in the curriculum and are the foundation of assessment as students journey from admissions to program completion. Undergirded throughout the program by a deepening understanding of leadership theory and</i></p>

			<i>practice, students as scholars master content and develop the necessary dispositions and skills to conduct useful education research. Finally, based on a deep understanding of leadership developed through coursework and guided practicum experiences, Doctors of Education demonstrate the ability to use their knowledge, dispositions, and skills as leaders, scholars and researchers in applied leadership settings."</i>
<b>LCSC</b>	NA		
<b>NIC</b>	NA		
<b>UI</b>			
<b>M.Ed., M.S., &amp; Ed.S. in Educational Leadership</b>	Master's & Educational Specialist		From UI website: "A Master of Education (M.Ed.) or an Education Specialist (Ed.S.) in Educational Leadership prepares you as a leader in education administration. The degree places you on the forefront of theory, and positions you to have an influence on policy-making and improving educational institutions. This degree is for teachers and administrators who desire to be on the leading edge of their professions. With this degree, professionals will learn the skills to make important changes in the educational field at the local, regional, state and national levels. Students should have leadership skills and a desire to make positive changes in education."

The only Ed.S. program in an adjacent state in Educational Leadership is at Montana State University: Education Specialist (Ed.S.) in Educational Leadership.

Idaho State University offers M.Ed. and an Ed.D. in Educational Leadership. Both are offered face-to-face at ISU's Pocatello campus.

The University of Idaho offers M.Ed., M.S., and Ed.S. degrees in Educational Leadership. According to the SBOE Program Inventory, the Ed.S. degree is (i) not offered online (ii) is offered at three sites: the NICHE site in Coeur D'Alene, the UI campus in Moscow, and the UI-Boise Center in Boise. However, according to the UI website, which has likely been updated more recently, (<http://www.uidaho.edu/ed/leadershipcounseling/educationalleadershipprogram>), the Ed.S. degree is available (i) online, (ii) at the Boise campus and at the Coeur d'Alene campus, and (iii) "with various cohorts throughout the state." "Cohorts in Sandpoint, Meridian and Grangeville have provided unique learning opportunities for teachers seeking to progress their education while continuing to teach."

The offering by a state institution of a second Ed.S. in Educational Leadership program in the Treasure Valley will benefit the state of Idaho for the following reasons:

- Although the proposed program results in the same degree, it will provide a fundamentally different approach to leadership preparation. These differences include a targeted approach to student recruitment and admittance, a closed cohort structure, an integrated curriculum organized in 6-credit modules developed by a faculty team in consultation with practitioners, and formalized mentoring by practicing superintendents who attend all class sessions. The proposed program will provide greater access to a higher level of educational attainment by helping to meet the diverse learning needs of a population much broader than the target

population of the UI's programs.

- The proposed program will provide a greater means for Idaho's universities to meet the market demand for increased number of educational administrators, particularly in the most heavily populated region of the state.
- The proposed program will provide an opportunity to create cross-institutional collaboration in research related to leadership preparation.
- As a self-support model, the proposed program will provide consumers (in this case, aspiring educational leaders) a choice regarding institution and format without an added burden to the Idaho taxpayer. Choice is the hallmark of a free market. As stated by Rob Winslow, Executive Director of the Idaho Association of School Administrators, in his letter of support:  
*"The BSU program will give our members a new choice in the state in acquiring their superintendent certification."*

In addition, the closed cohort model and targeted recruiting will serve a fundamentally different clientele than presently served by the University of Idaho's program. Our closed-cohort requires a two year commitment for students upfront and allows little flexibility in modifying scope and sequence of course offering. Therefore, the proposed program is designed for those educational leadership candidates who are serious about completing an advanced degree and are prepared to make such a commitment prior to acceptance into the program. Among a variety of choices, respondents to the survey conducted by Eduventures identified five reasons they found Boise State's proposed program to be appealing: (i) it addresses skill sets they wish to develop (70.6%), (ii) they prefer an integrated curricular approach (58.8%), (iii) they want to pursue graduate study half-time (6 credits or less) (58.3), and (iv) they want a cohort structure (47.1%). Finally, given the choice of nine universities in a multi-state region, Boise State was identified as the first choice more times than any other regional university.

Jon Ruzicka, Principal of Capital High School, states in his letter of support that he wants to be an early participant in the proposed program:

*"I have been a high school principal at Capital High School for the last ten years, and in administration for the past fifteen years. I want to extend my knowledge and leadership skills by participating in the Executive Educational Leadership Program."*

**8. Describe the methodology for determining enrollment projections.** If a survey of student interest was conducted, attach a copy of the survey instrument with a summary of results as **Appendix B**. *This question is not applicable to requests for discontinuance.*

The primary target market for the proposed program consists of individuals (i) located in Idaho or adjacent states, (ii) who are presently principals or other educational administrators, (iii) are teachers who have earned a master's degree in another area (such as literacy), but desire to become administrators, increase their leadership skills, and/or earn an advanced degree, or (iv) are employed in a government agency (e.g., the State Department of Education). The target market will also include, but not be limited to those who seek to be certified at the Superintendent level. The target market will include, but not be limited to, those who seek a program that utilizes a closed cohort format with an integrated curricular structure focused on transformational change as opposed to a traditional curricular structure offered in a non-cohort format. We gained information on the potential market size in two ways: a survey conducted by Eduventures and calculations based on labor statistics.

A survey was sent to 415 high school principals and superintendents in the southwestern region of Idaho. Of those, 62 (or 15%) responded. Pertinent results from the survey are:

- 64.5% reported at least a moderate need to obtain new skills for their current positions through a graduate level educational program.

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- 45.2% reported that they are likely to enroll in a college or university in the next three years to pursue a credential to enhance their professional skills and career.
- 29.3% of the total 62 respondents (i.e., 17 individuals) reported that they are likely to enroll in Boise State's Ed.S. degree program in the next 3 years.
- 58.3% of those likely to attend reported that they would be most interested in an Ed.S. degree.
- 69.4% of those likely to attend reported that they would be most interested in a program in Educational Leadership.

The second estimate of potential market size will be calculated as the sum of two groups: Elementary and Secondary level Education Administrators and master's-prepared Primary, Secondary, & Special Education Teachers. Note that according to U.S. Department of Labor figures, approximately 45% of Primary, Secondary & Secondary Education Teachers have a master's degree. So the total number of teachers will be multiplied by 45% to reach a market number. In 2008 in Idaho there were 1,024 Elementary and Secondary level Education Administrators. There were also a total of 17,808 Primary, Secondary, & Special Education Teachers, and 45% of that number is 8,014; therefore, there is a total potential Idaho market of 9,038. That Idaho market is expected to grow by approximately 15% over 10 years to approximately 10,400. Nationally, in 2010, there were 236,100 Elementary and Secondary level educational administrators. There were 3,155,800 primary and secondary teachers; 45% of that number is 1,420,110. Thus, there is a total potential market nationally of 1,656,210. That market is predicted to grow by approximately 15% over 10 years to approximately 1,904,500.

We estimate that roughly one-third of potential students will desire a closed cohort program. Such a program is highly attractive for a number of reasons (opportunities for long-term collaboration and networking, superior learning environment, etc.) but is only practical for those potential students who can make the two year commitment and seek a program delivered primarily face to face. Taking one third of the numbers in the previous paragraph yields an existing market of approximately 3,000 in Idaho and of 630,000 nationally.

These numbers indicate there will be more than sufficient market to supply our expected cohort size of 15 students per year without having an impact on the enrollments of other programs in our area. Again, our program will appeal to only those potential students who want to enroll in a program with a closed cohort model, not to those students who desire the traditional format of other programs in the area.

- 9. Enrollment and Graduates.** Using the chart below, provide a realistic estimate of enrollment at the time of program implementation and over three year period based on availability of students meeting the criteria referenced above. Include part-time and full-time (i.e., number of majors or other relevant data) by institution for the proposed program, last three years beginning with the current year and the previous two years. Also, indicate the projected number of graduates and graduation rates.

**Discontinuations.** Using the chart below include part-time and full-time (i.e., number of majors or other relevant data) by institution for the proposed discontinuation, last three years beginning with the current year and previous two years. Indicate how many students are currently enrolled in the program for the previous two years, to include number of graduates and graduation rates.

Institution	Relevant Enrollment Data			Number of Graduates			Graduate Rate
	Current	Year 1 Previous	Year 2 Previous	Current (2011-12)	Year 1 Previous	Year 2 Previous	
<b>BSU</b>							
<b>M.Ed. in Educational Leadership</b>	29	29	29	16	11	13	~15 grads/yr
<b>Ed.S. in Educational Leadership (proposed)</b>	15/yr per cohort			10/yr expected			~10 grads/yr expected
<b>CSI</b>	NA						
<b>CWI</b>	NA						
<b>EITC</b>	NA						
<b>ISU</b>							
<b>M.Ed. &amp; Ed.D. in Educational Leadership</b>	0 60	0 66	0 74	0 9	0 5	0 8	0 grads/yr ~8 grads/yr
<b>LCSC</b>	NA						
<b>NIC</b>	NA						
<b>UI (note: these are statewide numbers)</b>							
<b>M.Ed.&amp; M.S.</b>	99	136	135	62	84	49	~50-80 grads/yr
<b>Ed.S. in Educational Leadership</b>	50	50	68	19	26	32	~20-30 grads/yr

The following table shows expected enrollments in each course over time, based on 33% attrition during the duration of the program. This rate of attrition yields estimates of enrollments that are fiscally quite conservative. However, research has shown that attrition is lower in cohort models than non-cohort models and we therefore expect attrition from the program to be substantially lower than 33%. One distinct advantage of learning in cohort is the reduced chance an individual will give up when going through a difficult period (Lawrence, 2002). If one member is considering dropping out, others within the group tend to lend support to the individual. Well-nurtured cohorts become similar to a family in which members take care of one another. Nimer's (2009) work suggests that a cohort model increases the number of individuals who complete their degrees and provides a higher rate of continued interaction among members over the lifetime of their professional careers.

Projected Enrollments in Course Modules by Students in First Three Cohorts in the First Three Years of Program									
	FY2014			FY2015			FY2016		
	Summer	Fall	Spring	Summer	Fall	Spring	Summer	Fall	Spring
ED CIFS 676 Foundations of Leading Complex Educational Organizations	15			15			15		
ED CIFS 677 Leading Continuous System-wide Improvement of Learning		14			14			14	
ED CIFS 678 The Superintendency and Executive Leadership: Theory and Research			13			13			13
ED CIFS 690 The Superintendency and Executive Level Leadership: Clinical Experience				11			11		
CIFS 600 The Superintendency and Executive Level Leadership: Capstone Course					10			10	

**10. Will this program reduce enrollments in other programs at your institution? If so, please explain.**

No. In fact we expect the creation of the new program will cause an increase in students enrolled in our Ed.D. program in Curriculum and Instruction.

**11. Provide verification of state workforce needs such as job titles requiring this degree. Include State and National Department of Labor research on employment potential.**

Using the chart below, indicate the total projected job openings (including growth and replacement demands in your regional area, the state, and nation.) Job openings should represent positions which require graduation from a program such as the one proposed. Data should be derived from a source that can be validated and must be no more than two years old. *This question is not applicable to requests for discontinuance.*

	Year 1	Year 2	Year 3
Local (Regional)	27	27	27
State	54	54	54
Nation	9,540	9,540	9,540

- a. Describe the methodology used to determine the projected job openings. If a survey of employment needs was used, please attach a copy of the survey instrument with a summary of results as **Appendix C**.

Workforce need for Ed.S. graduates in Educational Leadership can be roughly estimated using the numbers of individuals employed as "Education Administrators, All Other" and "Education Administrators, Elementary & Secondary." Such categories will generally include the educational leadership positions for which the program will prepare students: Superintendent, Associate Superintendent, Assistant Superintendent, Director of Curriculum, Director of Federal Programs, Area or Region Directors, Directors of Elementary or Secondary Education, Director of Instruction, Director of Technology, Supervisor of Mathematics or Social Studies, etc.

State and federal predictions for workforce needs in the "Education Administrators, All Other" and "Education Administrators, Elementary & Secondary" categories are as follows. In Idaho, there are expected to be 54 openings annually. Nationwide there will be approximately 10,330 job openings in those two categories per year. Note that the Idaho State Department of Education reported between 88%-90% of Idaho's superintendents (one segment of the workforce need that will be addressed by the proposed program) would be eligible to retire between 2005 and 2015.

Local numbers are estimated at one-half of the state numbers.

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Idaho Department of Labor statistics for the state of Idaho								
Occupational Title	2008 Employment	2018 Employment	Net Change	Percent Change	Annual Growth	Annualized Growth	Annual Replacements	Annual Openings
Education Administrators, Elementary & Secondary	1,024	1,164	140	13.6%	14	1.29%	31	45
Education Administrators, All Other	174	213	39	22.4%	4	2.04%	5	9

US Dept of Labor for administrator positions requiring master's degree or above					
Occupation Title	Employment 2010	Employment 2020	Employment change 2010-2020	Percent Change	Job openings due to growth and replacement needs, 2010-2020
Education Administrators, Elementary and Secondary School	236,100	259,300	23,200	9.8	89,700
Education Administrators, All Other	32,500	36,900	4,400	4.4%	13,600

- b. Describe how the proposed change will act to stimulate the state economy by advancing the field, providing research results, etc.

An effective system of public schooling is essential to stimulate the state's economy, because by increasing the educational attainment of Idahoans, we will better prepare them for future job requirements. Quality leadership is strongly correlated with the effectiveness of schools (Fullan, 2003).

- c. Is the program primarily intended to meet needs other than employment needs, if so, please provide a brief rationale.

By creating a diversity of programs in Idaho, we are creating the opportunity for faculty to conduct research on the effectiveness of various models of graduate instruction, and to thereby inform the improvement of educational leadership programs.

- 12. Will any type of distance education technology be utilized in the delivery of the program on your main campus or to remote sites? Please describe. This question is not applicable to requests for discontinuance.**

The proposed program will be delivered primarily face-to-face, with portions of each module delivered on-line.

13. Describe how this request is consistent with the State Board of Education's strategic plan and institution's ~~role and mission~~. *This question is not applicable to requests for discontinuance.*

SBOE Strategic Plan	Relevance of proposed program
GOAL 1: A WELL EDUCATED CITIZENRY: The educational system will provide opportunities for individual advancement.	The proposed program will produce highly qualified educational administrators who will make the changes necessary so that our primary and secondary educational programs successfully meet future challenges.
Objective B: Higher Level of Educational Attainment –	The new program will provide increased access for individuals seeking superintendent endorsement and will provide a different model for students to pursue such a program.
GOAL 2: CRITICAL THINKING AND INNOVATION: The educational system will provide an environment for the development of new ideas, and practical and theoretical knowledge to foster the development of individuals who are entrepreneurial, broadminded, think critically, and are creative. Objective A: Critical Thinking, Innovation and Creativity – Increase research and development of new ideas into solutions that benefit society. Objective B: Innovation and Creativity – Educate students who will contribute creative and innovative ideas to enhance society.	Program alumni who become educational administrators will lead change in our PK-12 schools, with the result that graduating students will be more entrepreneurial, broadminded, and creative.
Objective C: Quality Instruction – Increase student performance through the recruitment and retention of a diverse and highly qualified workforce of teachers, faculty, and staff.	Program alumni who become educational administrators will focus on increasing student performance and on recruiting and retaining a highly qualified workforce.
GOAL 3: Effective and Efficient Delivery Systems – Ensure educational resources are used efficiently. Objective A: Cost Effective and Fiscally Prudent – Increased productivity and cost-effectiveness. Objective B: Data-driven Decision Making - Increase the quality, thoroughness, and accessibility of data for informed decision-making and continuous improvement of Idaho's educational system. Objective C: Administrative Efficiencies – Create cross institutional collaboration designed to consolidate services and reduce costs in non-competitive business processes.	Program alumni who become educational administrators will have the skills, tools, and resources to lead their districts to become more cost effective and collaborative. They will also be adept at using data to make decisions regarding the improvement of our educational system.



The highlighted portions of Boise State University's mission statement are especially relevant to the proposed program:

*Boise State University is a public, metropolitan research university offering an array of undergraduate and **graduate degrees** and experiences that **foster student success, lifelong learning, community engagement, innovation and creativity**. Research and creative activity advance new knowledge and benefit students, the community, the state and the nation. **As an integral part of its metropolitan environment the university is engaged in professional and continuing education programming, policy issues, and promoting the region's economic vitality** and cultural enrichment.*

The highlighted portions of Boise State University's Core Theme Two are especially relevant to the proposed program:

**CORE THEME TWO: GRADUATE EDUCATION**

*Our university provides **access to graduate education that is relevant to the educational and societal needs of the community and state, is meaningful within national and global contexts, is respected for its high quality, and is delivered within a supportive graduate culture.***

***Core Objective 2.1: Access. We provide students of all backgrounds with access to graduate educational opportunities in formats that are appropriate, flexible, accessible, and affordable.***

***Core Objective 2.2: Relevance. Our graduate students develop skills, knowledge, and experiences that are relevant and valuable locally, regionally, nationally, and globally.***

***Core Objective 2.3: Quality. Our graduate programs are composed of advanced and integrated learning experiences that provide disciplinary depth and interdisciplinary connections, and that reinforce the overall scholarly output of the university.***

14. Describe how this request fits with the institution's vision and/or strategic plan. This question is not applicable to requests for discontinuance.

Goals of Institution Strategic Plan Mission	Proposed Program Plans to Achieve the Goal
1. Create a trademark, high-quality educational experience for all students	<ul style="list-style-type: none"> <li>The format and design of the proposed Ed.S. program are unique. The curriculum was developed in response to the changing nature of the responsibilities of school superintendents, and addresses 21<sup>st</sup> Century demands of school leaders. Additionally, the proposed program will implement current best practices for learning by providing a closed cohort model and on-going opportunities for collaboration and shared learning.</li> </ul>
2. Facilitate the timely attainment of educational goals of our diverse student population	<ul style="list-style-type: none"> <li>The curriculum is formatted into five modules, taken over the course of five semesters, which may be more manageable for students to complete than traditional programs that offer ten 3-credit courses without the structure of a cohort design. The closed cohort model will encourage student completion and success.</li> </ul>
3. Elevate our research, creative activity, and graduate programs to	<ul style="list-style-type: none"> <li>Offering an Ed.S./Superintendent endorsement will</li> </ul>

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higher levels of excellence.	provide an additional route to achieve a doctoral degree, which may boost enrollment in our current Ed.D. in Curriculum and Instruction program, and thereby increase the production of educational research.
4. Align university programs and activities with community needs	<ul style="list-style-type: none"> <li>• The unique format and delivery of the proposed Ed.S. program will meet the needs of working professionals.</li> <li>• The required clinical experience will put students in a position to assist school districts and community members.</li> <li>• The program will create active learning opportunities in and out of class.</li> </ul>
5. Transform our operations to serve the contemporary mission of the university	<ul style="list-style-type: none"> <li>• The proposed Ed.S. program will provide a unique and rigorous curriculum designed to prepare school district leaders to meet current demands and expectations.</li> <li>• The proposed program will operate on a self-support basis. External funding will be pursued to fully support the cost for all students selected to participate.</li> </ul>

**15. Is the proposed program in your institution's Five-Year plan? Indicate below.** *This question is not applicable to requests for discontinuance.*

Yes   x   No       

If not on your institution's Five-Year plan, provide a justification for adding the program.

**16.** Explain how students are going to learn about this program and where students are going to be recruited from (i.e., within institution, out-of-state, internationally). For requests to discontinue a program, how will continuing students be advised of impending changes and consulted about options or alternatives for attaining their educational goals?

Boise State's program will target and recruit educators, as well as professionals outside the field of education, who have demonstrated leadership potential. In addition, we will distribute brochures to regional districts and the community with information regarding the new Executive Educational Leadership program. Furthermore, the Educational Leadership website will have information regarding the program with appropriate links to enrollment information. Professors in the program will provide informational meetings and will be present at school leadership conferences throughout the state. Informational letters will be sent to school administrators..

**17.** In accordance with Board Policy III.G., an external peer review is required for any new doctoral program. Attach the peer review report as **Appendix D**.

N/A

**18. Program Resource Requirements.** Using the **Excel spreadsheet** provided by the Office of the State Board of Education indicate all resources needed including the planned FTE enrollment, projected revenues, and estimated expenditures for the first three fiscal years of the program. Include reallocation of existing personnel and resources and anticipated or requested new resources. Second and third year estimates should be in constant dollars. Amounts should reconcile budget explanations below. If the program is contract related, explain the fiscal sources and the year-to-year commitment from the contracting agency(ies) or party(ies). Provide an explanation of the fiscal impact of the proposed discontinuance to include impacts to faculty (i.e.,

salary savings, re-assignments).

<b>I. Planned Student Enrollment</b>									
(FTE calculated as 1 FTE = 12 credit hours for graduate programs)									
		FY 14		FY 15		FY 16		Cumulative Totals	
		FTE	Headcount	FTE	Headcount	FTE	Headcount	FTE	Headcount
A. New Enrollments		11	13 to 15	16	13 to 26	16	13 to 26	42	39 to 67
B. Shifting Enrollments		0	0	0	0	0	0	0	0
<b>II. REVENUES</b>		FY 14		FY 15		FY 16		Cumulative Totals	
		On-going	One-time	On-going	One-time	On-going	One-time	On-going	One-time
1. Appropriated-Reallocation								\$0	\$0
2. Appropriated new								\$0	\$0
3. Federal								\$0	\$0
4. Tuition								\$0	\$0
5. Student Fees			\$113,400		\$170,100		\$170,100	\$0	\$453,600
6. Other								\$0	\$0
<b>TOTAL Revenue</b>		<b>\$0</b>	<b>\$113,400</b>	<b>\$0</b>	<b>\$170,100</b>	<b>\$0</b>	<b>\$170,100</b>	<b>\$0</b>	<b>\$453,600</b>
<i>Ongoing is defined as ongoing operating budget for the program which will become part of the base.</i>									
<i>One-time is defined as one-time funding in a fiscal year and not part of the base.</i>									
		FY 14		FY 15		FY 16		Cumulative Totals	
<b>II. Expenditures</b>		On-going	One-time	On-going	One-time	On-going	One-time	On-going	One-time
<b>A. Personnel Costs</b>									
1. FTE			1.18		1.55		1.55		4.28
2. Faculty			\$38,538		\$62,491		\$62,491		\$163,520
3. Administrators			\$5,000		\$5,000		\$5,000		\$15,000
4. Adjunct Faculty			\$0		\$0		\$0		\$0
5. Instructional Assistants			\$8,954		\$8,954		\$8,954		\$26,862
6. Research Personnel			\$0		\$0		\$0		\$0
7. Support Personnel			\$0		\$0		\$0		\$0
8. Fringe Benefits			\$15,698		\$23,842		\$23,842		\$63,383
8. Other: Mentors			\$9,000		\$18,000		\$18,000		\$45,000
<b>TOTAL Personnel Costs</b>			<b>\$77,190</b>		<b>\$118,287</b>		<b>\$118,287</b>		<b>\$313,765</b>
<b>B. Operating Expenses</b>									
								Cumulative Totals	
1. Travel			\$4,000		\$6,000		\$6,000		\$16,000
2. Professional Services			\$1,000		\$500		\$500		\$2,000
8. Repairs and Maintenance			\$0		\$0		\$0		\$0
9. Materials and Goods for manufacture and			\$0		\$0		\$0		\$0
10. Miscellaneous			\$14,092		\$9,342		\$9,342		\$32,776
<b>TOTAL OPERATING EXPENSES</b>			<b>\$21,092</b>		<b>\$17,092</b>		<b>\$17,092</b>		<b>\$55,276</b>
<b>C. Capital Outlay</b>									
		FY 14		FY 15		FY 16		Cumulative Totals	
1. Library resources			\$0		\$0		\$0		\$0
2. Equipment			\$0		\$0		\$0		\$0
<b>TOTAL Capital Outlay</b>			<b>\$0</b>		<b>\$0</b>		<b>\$0</b>		<b>\$0</b>
<b>D. Physical Facilities Construction</b>			<b>\$0</b>		<b>\$0</b>		<b>\$0</b>		<b>\$0</b>
<b>E. Indirect Costs</b>			<b>\$5,897</b>		<b>\$8,123</b>		<b>\$8,123</b>		<b>\$22,142</b>
<b>Total Expenditures</b>			<b>\$104,179</b>		<b>\$143,502</b>		<b>\$143,502</b>		<b>\$391,183</b>
<b>Net Income (Deficit)</b>		<b>\$0</b>	<b>\$9,221</b>	<b>\$0</b>	<b>\$26,598</b>	<b>\$0</b>	<b>\$26,598</b>	<b>\$0</b>	<b>\$62,417</b>

**a. Personnel Costs****Faculty and Staff Expenditures**

Project for the first three years of the program the credit hours to be generated by each faculty member (full-time and part-time), graduate assistant, and other instructional personnel. Also indicate salaries. After total student credit hours, convert to an FTE student basis. Please provide totals for each of the three years presented. Salaries and FTE students should reflect amounts shown on budget schedule.

<b>FY2014</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Projected Student Credit Hours</b>	<b>FTE Students</b>
<b>Name, Position &amp; Rank</b>				
Kathleen Budge, Assoc. Prof	63,190	0.4	168	7.0
Roger Quarles, Asst. Prof	66,310	0.2	84	3.5

<b>FY2015</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Projected Student Credit Hours</b>	<b>FTE Students</b>
<b>Name, Position &amp; Rank</b>				
Kathleen Budge, Assoc. Prof	63,190	0.6	180	7.5
Roger Quarles, Asst. Prof	66,310	0.3	90	3.75
Kelly Cross, Asst. Prof.	46,840	0.1	30	1.25

<b>FY2016</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Projected Student Credit Hours</b>	<b>FTE Students</b>
<b>Name, Position &amp; Rank</b>				
Kathleen Budge, Assoc. Prof	63,190	0.6	180	7.5
Roger Quarles, Asst. Prof	66,310	0.3	90	3.75
Kelly Cross, Asst. Prof.	46,840	0.1	30	1.25

Note: Faculty FTE calculated as 1.0 FTE= 30 credit hours per year; Student FTE calculated as 1.0FTE = 24 student credit hours

Project the need and cost for support personnel and any other personnel expenditures for the first three years of the program.

**Administrative Expenditures**

Describe the proposed administrative structure necessary to ensure program success and the cost of that support. Include a statement concerning the involvement of other departments, colleges, or other institutions and the estimated cost of their involvement in the proposed program.

<b>FY2014</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Value of FTE Effort to this Program</b>
<b>Name, Position &amp; Rank</b>			
Roger Quarles	66,310	0.08	\$5,000

<b>FY2015</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Value of FTE Effort to this Program</b>
<b>Name, Position &amp; Rank</b>			
Roger Quarles	66,310	0.08	\$5,000

<b>FY2016</b>	<b>Annual Salary Rate</b>	<b>FTE Assignment to this Program</b>	<b>Value of FTE Effort to this Program</b>
<b>Name, Position &amp; Rank</b>			
Roger Quarles	66,310	0.08	\$5,000

### **b. Operating Expenditures**

Briefly explain the need and cost for operating expenditures (travel, professional services, etc.)

Operating expenses include funds for the following:

- Travel to professional conferences and for recruiting.
- Website development
- Office supplies
- Tuition for graduate assistant
- Miscellaneous expenses.

### **c. Capital Outlay**

(1) Library resources

- (a) Evaluate library resources, including personnel and space. Are they adequate for the operation of the present program? If not, explain the action necessary to ensure program success.
- (b) Indicate the costs for the proposed program including personnel, space, equipment, monographs, journals, and materials required for the program.
- (c) For off-campus programs, clearly indicate how the library resources are to be provided.

Library resources are appropriate for the program.

(2) Equipment/Instruments

Describe the need for any laboratory instruments, computer(s), or other equipment. List equipment, which is presently available and any equipment (and cost) which must be obtained to support the proposed program.

Not applicable.

### **d. Revenue Sources**

- (1) If funding is to come from the reallocation of existing state appropriated funds, please indicate the sources of the reallocation. What impact will the reallocation of funds in support of the program have on other programs?

N/A: self support program

- (2) If the funding is to come from other sources such as a donation, indicate the sources of other

March 16, 2012

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funding. What are the institution's plans for sustaining the program when funding ends?

N/A: self support program

- (3) If an above Maintenance of Current Operations (MCO) appropriation is required to fund the program, indicate when the institution plans to include the program in the legislative budget request.

N/A: self support program

- (4) Describe the federal grant, other grant(s), special fee arrangements, or contract(s) to fund the program. What does the institution propose to do with the program upon termination of those funds?

N/A: self support program

- (5) Provide estimated fees for any proposed professional or self-support program.

We plan to charge \$450 per credit hour taken. In the third year of the program (when the program is fully functional), two cohorts will be active (one that began in the second year and one that began in the third year), and we will teach, for those two cohorts, a total of 5 courses of 6 credits each. Conservatively, we estimate cohort size to be 15 students beginning in each cohort with attrition resulting in 10 graduates per cohort. Thus we will produce 378 student credit hours per year for a total gross income of \$170,100.

## References

- Darling-Hammond, L., La Pointe, M., Meyerson, D., and Orr, M. 2007. *Preparing school leaders for a changing world: Lessons from exemplary leadership development programs*. Stanford, CA: The Wallace Foundation and Stanford Educational Leadership Institute.
- Davis, S., Darling-Hammond, L., LaPointe, M., and Meyerson, D. 2005. *School leadership study: Developing successful principals*. Stanford, CA: Stanford Educational Leadership Institute.
- Fullan, M. 2005. *Leadership and sustainability: System thinkers in action*. Thousand Oaks, CA: Corwin Press.
- Honig, M., Copland, M., Rainey, L., Lorton, J., and Newton, M. 2010; *Central office transformation for district-wide teaching and learning improvement*. Seattle, WA: Center for the Study of Teaching and Policy, University of Washington.
- Jackson, B.L. and Kelley, C. 2002. Exceptional and innovative programs in educational leadership. *Educational Administration Quarterly*, 38(2), 192-212.
- Kraus, C.M. and Cordeiro, P.A. 1995. *Challenging tradition: Re-examining the preparation of educational leaders for the workplace*. Paper presented at the annual meeting of the University Council for Educational Administration. Salt Lake City, UT.
- Lawrence, R. , 2002. A small circle of friends: Cohort groups as learning communities. *New Directions for Adult and Continuing Education*, 95, 83-92.
- Leithwood, K., Jantzi, D., Coffin, G., and Wilson, P. 1996. Pipeline to preparation to advancement: Graduates' experiences in, through, and beyond leadership preparation. *Educational Administration Quarterly*, 47. 114-172.
- Levine, A. 2005. *Educating school leaders*. New York, NY: The Education Schools Project.
- Nimer, M. 2009. The doctoral cohort model: Increasing opportunities for success. *College Student Journal*, 43(4), 1373-1379.
- Norris, C. and Barnett, B. 1994. *Cultivating a new leadership paradigm: From cohorts to communities*. Paper presented at the Annual Meeting of the University Council for Educational Administration. Philadelphia, PA.
- Spovitz, J. 2006. *The case for district-based reform*. Cambridge, MA: Harvard Education Press.
- Teitel, L. 1997. Understanding and harnessing the power of the cohort model in preparing educational leaders. *Peabody Journal of Education*, 72(2). 66-85.

## Attachment A: Curriculum

<b>Educational Specialist in Educational Leadership, Superintendent Endorsement</b>	
Course	Credits
Module 1: ED CIFS 676. Foundations of Leading Complex Educational Organizations	6
Module 2: ED CIFS 677. Leading Continuous System-wide Improvement of Learning	6
Module 3: ED CIFS 678. The Superintendency and Executive Level Leadership: Theory and Research	6
Module 4: ED CIFS 679. The Superintendency and Executive Level Leadership: Clinical Experience	6
Module 5: ED CIFS 680. The Superintendency and Executive Level Leadership: Capstone Course	6
Total Credits Required	30



Attachment B: Letters of Support (following pages)

To Whom It May Concern,

As President and CEO of WhiteCloud Analytics, I am passionate about growing Idaho's future economy. I believe that creating new leaders is essential to driving needed improvements in our K-12 public school system. We need to enhance our educational system to create graduates who have the skills necessary to fill jobs that will move our companies and economies forward.

I fully support creating an Executive Educational Leadership program at Boise State University. Allowing BSU to offer an Education Specialist Degree that culminates in a School Superintendent certification, will create a competitive approach in higher education in producing real school leaders.

I believe that the quality of this proposed program will be cutting edge and attract students from all over the country. This program will be another way of attracting the best and brightest to Boise, Idaho. The Executive Educational Leadership program will prepare graduate students to become highly effective leaders that will drive efforts to increase student achievement for all students.

I know Dr. Roger Quarles and many of his colleagues and have complete confidence in their abilities to help make the program top-notch and critically relevant in today's educational climate.

Sincerely,



Bob Lokken  
President and CEO of WhiteCloud Analytics



## House of Representatives State of Idaho

October 31, 2012

To Whom It May Concern,

I support the creation of an Executive Education Leadership program at Boise State University.

As a state legislator and member of the House of Representative's Education Committee, I have had the opportunity to meet many of Idaho's education leaders. Being a K-12 superintendent is an exceptionally specialized job and requires advanced training. A superintendent not only needs to be an expert in education offerings, but she or he also needs to know how to run a business. Often times a school district is the community's largest employer and so the superintendent's staff should be intimately involved in the community's affairs.

An "Education Specialist" degree would help train superintendents in the multi-facets of that unique job.

I support Boise State University's efforts to create new leaders that can take us forward in public schools.

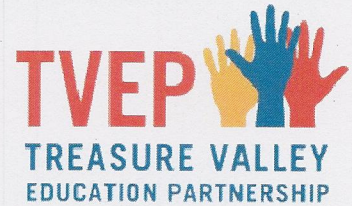
I have had the pleasure of meeting Dr. Roger Quarles on a personal and professional level. He has testified to our Educational Committee. I have complete confidence in Dr. Roger Quarles and his colleagues to help make the program meaningful and relevant in today's educational climate.

Sincerely,

A handwritten signature in cursive script that reads "Paul Shepherd".

Representative Paul Shepherd





Idaho State Board of Education  
650 West State St Rm 307  
Boise, ID 83702

To whom it may concern,

The Treasure Valley Education Partnership (TVEP) is an unprecedented partnership that originated from 10 school districts seeking to work collectively with other sectors including nonprofit, business, and educators both public and private.

In my role as Director of this partnership, I recognize the importance of effective leadership in our public education system and have the opportunity to see every day the positive impact that great leaders can make on our youth.

Over the past four years, I have had the pleasure of working with Roger Quarles in his capacity as the chair of United Way's Education Vision Council, Superintendent of the Caldwell School District, and more recently with Idaho Leads as a partner of TVEP. Roger has consistently been a leader in learning from the past and coming up with innovative ideas for education moving forward.

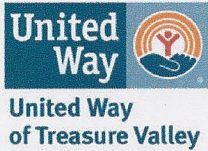
I support Boise State University's efforts to create an Executive Educational Leadership program. I have complete confidence that Roger would effectively build and lead this program; which would result in effective future leaders in our public school system.

Thank you,

A handwritten signature in dark ink that reads "Melissa Nickell". The signature is written in a cursive, flowing style.

Melissa Nickell  
Director, Treasure Valley Education Partnership





Give. Advocate. Volunteer.

2340 S. Vista Avenue  
Boise, Idaho 83705

208.336.1070  
[www.unitedwaytv.org](http://www.unitedwaytv.org)

Idaho State Board of Education  
650 West State Street  
Room 307  
Boise, ID 83702

October 24, 2012

To whom this may concern:

As President & CEO of United Way of Treasure Valley, I have the pleasure of working with various leaders to engage and mobilize the community so individuals and families have opportunities to succeed. We do this by leading the way to collaborative, innovative and sustainable solutions in education, financial independence and health. I can say with great pleasure that Roger Quarles has been an integral partner that helped create a shared vision for education in the Treasure Valley.

I support Boise State University's efforts to create an Executive Educational Leadership program to offer an Education Specialist degree. I also have full confidence in Roger's ability to help make the program meaningful and relevant in today's educational climate. This program will allow Boise State to help foster new leaders that can take us forward in public schooling.

Sincerely,

A handwritten signature in dark ink, appearing to read "Derick O'Neill".

Derick O'Neill  
President & CEO



**Rob Winslow, Executive Director**  
*Idaho Association of School Administrators*  
777 S. Latah St. Boise, ID 83705  
Phone: 208-345-1171  
Fax: 208-345-1172  
[www.idschadm.org](http://www.idschadm.org)  
Email: [rob.winslow@idschadm.org](mailto:rob.winslow@idschadm.org)

October 22, 2012

To Whom It May Concern:

The Idaho Association of School Administrators is a professional association that is committed to assisting all opportunities in educational leadership in the state. Our association is in full support of Boise State University offering an Education Specialist degree. The Executive Educational Leadership program at BSU will prepare principals with the skills for being a school superintendent. The BSU program will give our members a new choice in the state in acquiring their superintendent certification.

IASA has a great partnership with the Education Department program at BSU. The Center for School Improvement and Policy Studies has provided rich professional development for school leadership teams throughout the state. Principals and superintendents have directly benefitted from this positive partnership.

Our members frequently participate in educational research projects with BSU professors. The research topics assist principals and superintendents with practical data to improve their educational leadership roles.

The Idaho Association of School Administrators fully supports the efforts of Boise State University in providing a school superintendent certification program.

Sincerely,

*Rob Winslow*

Rob Winslow  
Executive Director





**FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY**

October 22, 2012

To Whom It May Concern:

We are very pleased and proud to write this letter in support of the Executive Educational Leadership Program and, specifically, the proposal to create an Education Specialist degree at Boise State under the leadership of Roger Quarles and his team. We have had the pleasure of working with Roger and know that his leadership, vision, passion and unwavering belief in what "can be" transforms school cultures.

We saw through our work with Roger in the Caldwell School District that leadership makes a huge difference in a system. When everyone is aligned behind a vision that all kids can succeed and that we cannot have tolerance for anyone working in a school setting who believes that it is okay to have some "throw-away" kids, it is amazing to see how kids thrive and parents and teachers are energized behind this expectation. Roger has the ability and creativity to think "outside the box" to identify alternatives to improve education, classroom instruction and school environments. The culture changes and student achievement does too.

We face a crisis in this country with education and our position in the world hinges on us rising to the occasion. World class education, accessible to all, has always been the key to a strong middle class and the ability for kids to have better lives than their parents. Leadership and setting the expectations and truly believing that we can provide the best education for all kids will be critical in driving the continuous improvements we must achieve to reach the level of success to compete on the world stage. It will take an ability to collaborate and break down silos, which has not always been a skill set of public school leaders. Roger and his team are masters at pulling together diverse groups of stakeholders and getting them aligned around a co-produced and co-owned vision.

We are excited about this proposed new degree program at BSU. With Roger Quarles and his team leading this effort, we know that it will be effective and hold itself accountable to driving change in a measurable and meaningful way.

Sincerely,

Jim Everett  
Chief Executive Officer

David Duro  
President and COO

Teresa Wood-Adams  
Branch Executive Director

**TREASURE VALLEY FAMILY YMCA - ASSOCIATION SERVICES**

1177 W State Street, Boise, Idaho 83702

P 208 344 5501 F 208 331 0018

[YMCATVIDAHO.ORG](http://YMCATVIDAHO.ORG)

**IRSA**



# Capital High School

8055 GODDARD ROAD  
BOISE, IDAHO 83704-3199  
(208) 854-4490

Wednesday, October 31, 2012

To Whom It May Concern,

I am writing in support of the new program at Boise State University called the Executive Educational Leadership, which provides a certificate of superintendent.

Personally, I will be participating in this new offering as soon as it is available. I have been a high school principal at Capital High School for the last ten years, and have been in administration for the past fifteen years. I want to extend my knowledge and leadership skills by participating in the Executive Education Leadership program. In addition to my participation, I know the other 4A and 5A principals in the Treasure Valley would be able to access this program to enhance their leadership skills and talents. This program is important to me and the other Treasure Valley principals because we desire to be life long learners of education, and working together in collaboration with the program and each other. This new program is the perfect vehicle to bring together administrators to discuss, learn, and develop leadership skills needed to bring education forward in our State, and to face the upcoming challenges and demands we will face.

In addition to the importance of the new program, I would like to express my confidence and support for faculty members at Boise State University, Dr. Roger Quarles and Dr. Kelly Cross. Roger and Kelly have the credibility to lead and teach this program to Southern Idaho and beyond. I have personally worked with both Roger and Kelly, and they are educators of the highest caliber. They both possess the hallmarks of success that any program is looking for. Their hallmarks of success are passion, motivation, integrity, intelligence, and personality. Boise State University is extremely fortunate to have obtained these two individuals to lead the Executive Educational Leadership program. They have the ability to set high standards and goals for the program, and they have the inner most desire and drive to make those goals a reality. Boise State University has a motto in the education department of Innovate, Educate, and Lead. Roger and Kelly are exemplary examples of that motto.

Thank you for taking time to reflect on the importance of this program for education, the Treasure Valley, the State of Idaho, and administrators.

Best regards,

Jon Ruzicka  
Principal, Capital High School





**LAKELAND JOINT SCHOOL DISTRICT #272**

**15506 N. Washington Street P.O. Box 39**

**Rathdrum, Idaho 83858**

**Phone: 208.687.0431 Fax: 208.687.1884 Web: [lakeland272.org](http://lakeland272.org)**

October 30, 2012

To Whom It May Concern:

It is an honor to write a letter of support for Boise State University to offer an Education Specialist degree which the state would recognize and qualify completers for a School Superintendent certification. As superintendent of schools for the Lakeland Joint School District #272 and a participant in the Idaho Leads Project, I know the proposed Executive Educational Leadership Program will set a new standard of excellence for creating leaders who will take us forward in public schooling.

Every experience we have had throughout the Idaho Leads Project has been exemplary. The focus on leadership, teaching and learning, establishing a collaborative culture focused on continuous school improvement, and a resistance to tolerate mediocrity in any form, are attributes Roger Quarles, Bill Parrot, and their team live and breathe. In all opportunities to observe their expertise and leadership, I am often riveted by their divergent understanding of complex issues, their innovative ideas, and their courage to embrace change. This is what sets the Center for School Improvement and Policy Studies apart from other programs. If something is good for kids, they are unafraid to change the system, even if the change affects them. They make you feel proud to be in the profession. I strongly support the creation of this opportunity for future superintendents throughout Idaho.

Sincerely,

*Mary Ann Ranells*

Mary Ann Ranells, Ph.D.  
Superintendent of Schools



Date: October 22, 2012

Dear State Board of Education:

It is my honor to write a letter of support for Boise State University and their efforts to create an Executive Educational Leadership program that will culminate in an Educational Specialist degree. Now more than ever we need an Educational Specialist degree that will prepare our educational leaders for the 21<sup>st</sup> Century.

I received both my Educational Specialist Degree as well as my Ph.D. from the University of Idaho but it is my firm belief that Boise State University is both capable and poised to create a program that is more focused on the type of leadership development currently needed as well as to build the support that is necessary for these leaders, following their graduation.

The face of public schooling is, as you know, changing at a pace that we have not seen before and Boise State University is very attuned to the current trends and issues in education through their exceptional work with school districts and their educational professional development programming. Because of this work it is a natural extension for them to begin offering the Educational Specialist degree in Boise and around the state.

The current educational workforce is aging. In our district over 40% of our teachers are eligible for retirement in the next five years. The face of administration is also aging and it is critical for us to begin the process of training the next generation of educational leaders, now. I have full confidence that a program developed by the educational leaders at Boise State University will address the need to create the innovative, pertinent and pragmatic program that will instill the skills needed to successfully lead school districts to higher levels of public satisfaction as well as increased levels of student achievement in the future. Please see this letter as more than a recommendation. Instead, please see this letter as a wholehearted endorsement (from a current educational leader) that Boise State University can craft the type of Educational Leadership program that we truly need. If I can be of further assistance please feel free to contact me at [lbarber@blaineschools.org](mailto:lbarber@blaineschools.org) or at 208.578.5000.

Sincerely,

A handwritten signature in cursive script that reads "Lonnie Barber". The ink is black and the signature is fluid and legible.

Dr. Lonnie Barber

Superintendent, Blaine County School District #61

Attachment C: Report from Eduventures Survey (relevant pages)



## EDUVENTURES

### **Online Higher Education Learning Collaborative**

Boise State University

*2012 Educational Leadership Survey: Preliminary Report*



*September 18, 2012*

#### **Project Background**






Boise State University is interested in gathering market information that will help guide the development of its Ed.S. Educational Leadership program. As a result, Eduventures surveyed high school principals and superintendents in the Southeastern Idaho region. Eduventures collected responses from July through September 2012. At the conclusion of data collection, 62 superintendents and principals, or 15.0% of 413 eligible respondents, had completed the survey.

The Online Higher Education Learning Collaborative will begin formulating a final report that summarizes the results. In the meantime, this preliminary report is intended to provide Boise State University decision-makers with a graphic overview of the results.

**Are you a principal?**(Respondents were limited to **brief** text responses)

Response	Chart	Frequency	Count
<b>N</b>		<b>53.2%</b>	<b>33</b>
Y		46.8%	29
<i>Other Responses</i>		0.0%	0
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>









**Are you currently a school administrator or teacher in the state of Idaho?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Yes, I am a vice principal		1.6%	1
<b>Yes, I am a principal</b>		<b>41.9%</b>	<b>26</b>
Yes, I am an assistant superintendent		1.6%	1
Yes, I am a superintendent		37.1%	23
Yes, I am a		17.7%	11
No, I am not currently a teacher or administrator in the state of Idaho		0.0%	0
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

**We would like to learn more about your career.**(Respondents could only choose a **single** response for each topic)

		0 – less than a year	1 – 2 years	3 – 5 years	6 – 9 years	10 years or longer	Total
Approximately how many years have you been in an administrative role in education?	Count	3	2	13	9	35	62
	% by Row	4.8%	3.2%	21.0%	14.5%	56.5%	100.0%
How many years have you been in your current role?	Count	9	9	26	7	11	62
	% by Row	14.5%	14.5%	41.9%	11.3%	17.7%	100.0%
<b>Total</b>	Count	<b>12</b>	<b>11</b>	<b>39</b>	<b>16</b>	<b>46</b>	<b>124</b>
	% by Row	<b>9.7%</b>	<b>8.9%</b>	<b>31.5%</b>	<b>12.9%</b>	<b>37.1%</b>	<b>100.0%</b>

**What is the highest level of education that you have completed to date?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Bachelor's degree		1.6%	1
Post-baccalaureate certificate		0.0%	0
<b>Master's degree, please specify field</b>		<b>51.6%</b>	<b>32</b>
Graduate certificate, please specify field		1.6%	1
EdD, please specify subfield		9.7%	6
EdS, please specify subfield		29.0%	18
PhD, please specify field		6.5%	4
Other doctoral or professional degree (e.g. MD, JD)		0.0%	0
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>



**How large of an absence, if any, do you feel there is in your school district overall of each of the following skills?**

(Respondents could only choose a **single** response for each topic)

		Large absence	Some absence	Minor absence	No absence	Total	Mean	Std Dev
Change leadership	Count	6	21	<b>22</b>	13	<b>62</b>	2.677	0.919
	% by Row	9.7%	33.9%	<b>35.5%</b>	21.0%	<b>100.0%</b>		
Decision making	Count	3	<b>22</b>	21	16	<b>62</b>	2.806	0.884
	% by Row	4.8%	<b>35.5%</b>	33.9%	25.8%	<b>100.0%</b>		
Developing and managing organizational culture	Count	6	19	<b>27</b>	10	<b>62</b>	2.661	0.867
	% by Row	9.7%	30.6%	<b>43.5%</b>	16.1%	<b>100.0%</b>		
Ethical leadership	Count	2	10	17	<b>33</b>	<b>62</b>	3.306	0.861
	% by Row	3.2%	16.1%	27.4%	<b>53.2%</b>	<b>100.0%</b>		
Instructional leadership	Count	3	21	<b>22</b>	16	<b>62</b>	2.823	0.878
	% by Row	4.8%	33.9%	<b>35.5%</b>	25.8%	<b>100.0%</b>		
Personnel management	Count	1	<b>28</b>	22	11	<b>62</b>	2.694	0.781
	% by Row	1.6%	<b>45.2%</b>	35.5%	17.7%	<b>100.0%</b>		
Problem-based learning	Count	8	<b>26</b>	22	6	<b>62</b>	2.419	0.841
	% by Row	12.9%	<b>41.9%</b>	35.5%	9.7%	<b>100.0%</b>		
Project management	Count	8	<b>22</b>	<b>22</b>	10	<b>62</b>	2.548	0.918
	% by Row	12.9%	<b>35.5%</b>	<b>35.5%</b>	16.1%	<b>100.0%</b>		
Strategic leadership	Count	4	<b>31</b>	16	11	<b>62</b>	2.548	0.862
	% by Row	6.5%	<b>50.0%</b>	25.8%	17.7%	<b>100.0%</b>		
Public Leadership	Count	7	<b>25</b>	18	12	<b>62</b>	2.565	0.934
	% by Row	11.3%	<b>40.3%</b>	29.0%	19.4%	<b>100.0%</b>		
<b>Total</b>	Count	<b>48</b>	<b>225</b>	<b>209</b>	<b>138</b>	<b>620</b>	N/A	N/A
	% by Row	<b>7.7%</b>	<b>36.3%</b>	<b>33.7%</b>	<b>22.3%</b>	<b>100.0%</b>		











**Are there any other skills not listed above that you feel there is a large absence of in your school district?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>No</b>		<b>87.1%</b>	<b>54</b>
Yes (please specify)		12.9%	8
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

**Do you feel you currently have a need or will have a need in the near future to develop any of the following skills? *Select all that apply***

(Respondents were allowed to choose **multiple** responses)

Response	Chart	Frequency	Count
Developing and managing organizational culture		41.9%	26
Personnel management		35.5%	22
Project management		33.9%	21
Decision making		21.0%	13
Ethical leadership		12.9%	8
<b>Instructional leadership</b>		<b>48.4%</b>	<b>30</b>
Strategic leadership		41.9%	26
Change leadership		45.2%	28
Other (please specify)		4.8%	3
No/none of the above		12.9%	8
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>



**To what extent do you feel a need to update or obtain new skills for your current position through a graduate-level educational program?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Very urgent need		9.7%	6
Somewhat urgent need		21.0%	13
<b>Moderate need</b>		<b>33.9%</b>	<b>21</b>
Little need		27.4%	17
No need at all		8.1%	5
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

**Are you aware of any programs or credentials offered by universities designed to help educators attain any of the above skills?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>No</b>		<b>51.6%</b>	<b>32</b>
Yes (please specify)		48.4%	30
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>






**When do you anticipate the next significant move in your professional career?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Less than one year		8.1%	5
<b>One to two years</b>		<b>25.8%</b>	<b>16</b>
Three to four years		21.0%	13
Five years		16.1%	10
More than five years		9.7%	6
Unsure		19.4%	12
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>









**How likely are you to enroll in a college or university in the next three years to pursue a credential to enhance your professional skills and career?**

(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Not at all likely</b>		<b>25.8%</b>	<b>16</b>
Unlikely		11.3%	7
Unsure		17.7%	11
Likely		22.6%	14
Very likely		22.6%	14
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

**Why do you feel you are unsure or unlikely to enroll in a college or university in the next three years?**

(Respondents could only choose a **single** response)





Response	Chart	Frequency	Count
I may enroll in the next two or three years, but not in the next year		11.8%	4
I do not know of a program that will meet my needs		11.8%	4
My employer will not reimburse/pay for continuing my education		0.0%	0
I am currently enrolled in a program (please specify program)		5.9%	2
I do not have time to go back to school		14.7%	5
I do not see the value in earning an academic credential		14.7%	5
<b>I feel I have all the education needed to perform my job</b>		<b>29.4%</b>	<b>10</b>
I will seek out professional development opportunities outside of a college/university (please specify)		11.8%	4
		<b>Valid Responses</b>	<b>34</b>
		<b>Total Responses</b>	<b>34</b>

**Of the following choices, please rank in the order of importance your top three motivations for enrolling in a college or university program in the next three years (Rows 6-10 not shown):**

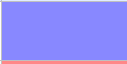
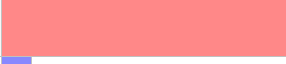

Respondents were asked to **rank** their choice(s).

		1	2	3	4	5	Total	Mean
Adding skills	Count	<b>7</b>	3	3	0	0	<b>13</b>	1.692
	% by Row	<b>53.8%</b>	23.1%	23.1%	0.0%	0.0%	<b>100.0%</b>	
Making myself more marketable	Count	1	<b>4</b>	<b>4</b>	0	0	<b>9</b>	2.333
	% by Row	11.1%	<b>44.4%</b>	<b>44.4%</b>	0.0%	0.0%	<b>100.0%</b>	
Looking to improve my performance in my current job	Count	<b>9</b>	8	7	0	0	<b>24</b>	1.917
	% by Row	<b>37.5%</b>	33.3%	29.2%	0.0%	0.0%	<b>100.0%</b>	
Looking to improve my pay at my current job	Count	2	2	<b>3</b>	0	0	<b>7</b>	2.143
	% by Row	28.6%	28.6%	<b>42.9%</b>	0.0%	0.0%	<b>100.0%</b>	
Looking to change jobs/earn a promotion	Count	1	<b>3</b>	2	0	0	<b>6</b>	2.167
	% by Row	16.7%	<b>50.0%</b>	33.3%	0.0%	0.0%	<b>100.0%</b>	
Earning certification required in my field	Count	<b>7</b>	1	2	0	0	<b>10</b>	1.500
	% by Row	<b>70.0%</b>	10.0%	20.0%	0.0%	0.0%	<b>100.0%</b>	
Earning CEUs that are required for my field	Count	0	<b>2</b>	0	0	0	<b>2</b>	2.000
	% by Row	0.0%	<b>100.0%</b>	0.0%	0.0%	0.0%	<b>100.0%</b>	
Taking advantage of tuition assistance	Count	0	0	<b>1</b>	0	0	<b>1</b>	3.000
	% by Row	0.0%	0.0%	<b>100.0%</b>	0.0%	0.0%	<b>100.0%</b>	
Building a professional network	Count	2	3	<b>4</b>	0	0	<b>9</b>	2.222
	% by Row	22.2%	33.3%	<b>44.4%</b>	0.0%	0.0%	<b>100.0%</b>	
Being an agent for positive change in my district.	Count	7	<b>10</b>	<b>10</b>	0	0	<b>27</b>	2.111
	% by Row	25.9%	<b>37.0%</b>	<b>37.0%</b>	0.0%	0.0%	<b>100.0%</b>	
<b>Total</b>	Count	<b>36</b>	<b>36</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>108</b>	N/A
	% by Row	<b>33.3%</b>	<b>33.3%</b>	<b>33.3%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>100.0%</b>	

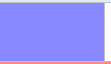



**Which level of education would you be most interested in enrolling in?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
MBA		0.0%	0
<b>EdS</b>		<b>58.3%</b>	<b>21</b>
EdD		27.8%	10
PhD		11.1%	4
Other (please specify)		2.8%	1
		<b>Valid Responses</b>	<b>36</b>
		<b>Total Responses</b>	<b>36</b>

**Which program title do you feel best describes the skills you are seeking to develop:**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Educational Administration		27.8%	10
<b>Educational Leadership</b>		<b>69.4%</b>	<b>25</b>
Educational Management		2.8%	1
Other (please specify)		0.0%	0
		<b>Valid Responses</b>	<b>36</b>
		<b>Total Responses</b>	<b>36</b>

**Which type of program delivery do you prefer/anticipate enrolling in?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
100% online		22.2%	8
<b>Hybrid/blended (combination of online and traditional classroom format)</b>		<b>66.7%</b>	<b>24</b>
Traditional classroom format at a college campus		8.3%	3
Traditional classroom format at your workplace		0.0%	0
Other (please specify)		2.8%	1
		<b>Valid Responses</b>	<b>36</b>
		<b>Total Responses</b>	<b>36</b>

**How familiar are you with Boise State University?**(Respondents could only choose a **single** response)











Response	Chart	Frequency	Count
Have never heard of		0.0%	0
Have heard of but not knowledgeable of		5.2%	3
Have some knowledge of		20.7%	12
<b>Very familiar</b>		<b>74.1%</b>	<b>43</b>
		<b>Valid Responses</b>	<b>58</b>
		<b>Total Responses</b>	<b>58</b>

**Within the next three years, how likely would you be to enroll in Boise State's Ed.S. in Educational Leadership program?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
<b>Not at all likely</b>		<b>39.7%</b>	<b>23</b>
Unlikely		10.3%	6
Unsure		20.7%	12
Likely		15.5%	9
Very likely		13.8%	8
		<b>Valid Responses</b>	<b>58</b>
		<b>Total Responses</b>	<b>58</b>

**What do you find most appealing about Boise's proposed program?** *Select all that apply*

(Respondents were allowed to choose **multiple** responses)

Response	Chart	Frequency	Count
<b>Addresses a skill set I feel I will need to develop to advance in my career</b>		<b>70.6%</b>	<b>12</b>
It will fulfill my goal for professional development		52.9%	9
I feel this is a unique program		23.5%	4
The program will pair me with a mentor with practical experience		23.5%	4
It is an Ed.S. degree- more appealing to me than another credential type		41.2%	7
The program is offered in a hybrid format		35.3%	6
The program is offered by Boise State		47.1%	8
I prefer a cohort model rather than self-paced coursework		47.1%	8
I prefer an integrated approach to course curriculum rather than traditional, stand-alone coursework on single topics		58.8%	10
Other (please specify)		11.8%	2
		<b>Valid Responses</b>	<b>17</b>
		<b>Total Responses</b>	<b>17</b>

### How familiar are you of the Educational Leadership programs offered by these institutions?

(Respondents could only choose a **single** response for each topic)

		Have never heard of	Have heard of but not knowledgeable of	Have some knowledge of	Very familiar	Total	Mean	Std Dev
Idaho State University	Count	4	<b>8</b>	5	4	<b>21</b>	2.429	1.028
	% by Row	19.0%	<b>38.1%</b>	23.8%	19.0%	<b>100.0%</b>		
Northwest Nazarene University	Count	0	6	<b>10</b>	5	<b>21</b>	2.952	0.740
	% by Row	0.0%	28.6%	<b>47.6%</b>	23.8%	<b>100.0%</b>		
University of Idaho	Count	1	3	5	<b>12</b>	<b>21</b>	3.333	0.913
	% by Row	4.8%	14.3%	23.8%	<b>57.1%</b>	<b>100.0%</b>		
University of Nevada-Reno	Count	7	<b>11</b>	2	1	<b>21</b>	1.857	0.793
	% by Row	33.3%	<b>52.4%</b>	9.5%	4.8%	<b>100.0%</b>		
University of Oregon	Count	7	<b>12</b>	2	0	<b>21</b>	1.762	0.625
	% by Row	33.3%	<b>57.1%</b>	9.5%	0.0%	<b>100.0%</b>		
<b>Total</b>	Count	<b>19</b>	<b>40</b>	<b>24</b>	<b>22</b>	<b>105</b>	N/A	N/A
	% by Row	<b>18.1%</b>	<b>38.1%</b>	<b>22.9%</b>	<b>21.0%</b>	<b>100.0%</b>		







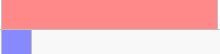


**Overall, which program do you feel you would ultimately like to enroll into, with 1 being your top choice? (Rows 6-9 not shown)**

Respondents were asked to **rank** their choice(s).





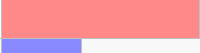



		1	2	3	4	5	Total	Mean	Std Dev
Boise State University Ed.S.	Count	<b>10</b>	8	0	0	0	<b>18</b>	1.444	0.511
	% by Row	<b>55.6%</b>	44.4%	0.0%	0.0%	0.0%	<b>100.0%</b>		
Idaho State University Ed.D.	Count	1	<b>2</b>	1	0	0	<b>4</b>	2.000	0.816
	% by Row	25.0%	<b>50.0%</b>	25.0%	0.0%	0.0%	<b>100.0%</b>		
Northwest Nazarene University Ed.S.	Count	2	<b>7</b>	4	0	0	<b>13</b>	2.154	0.689
	% by Row	15.4%	<b>53.8%</b>	30.8%	0.0%	0.0%	<b>100.0%</b>		
Northwest Nazarene University Ed.D.	Count	2	0	<b>3</b>	2	0	<b>7</b>	2.714	1.254
	% by Row	28.6%	0.0%	<b>42.9%</b>	28.6%	0.0%	<b>100.0%</b>		
University of Idaho Ed.S.	Count	<b>6</b>	4	2	1	0	<b>13</b>	1.846	0.987
	% by Row	<b>46.2%</b>	30.8%	15.4%	7.7%	0.0%	<b>100.0%</b>		
University of Nevada-Reno Ph.D.	Count	0	0	0	0	0	<b>0</b>	N/A	N/A
	% by Row	0.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>		
University of Nevada-Reno Ed.D.	Count	0	0	<b>1</b>	0	0	<b>1</b>	3.000	N/A
	% by Row	0.0%	0.0%	<b>100.0%</b>	0.0%	0.0%	<b>100.0%</b>		
University of Oregon Ph.D.	Count	0	0	0	0	0	<b>0</b>	N/A	N/A
	% by Row	0.0%	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>		
University of Oregon Ed.D	Count	0	0	0	0	<b>1</b>	<b>1</b>	5.000	N/A
	% by Row	0.0%	0.0%	0.0%	0.0%	<b>100.0%</b>	<b>100.0%</b>		
<b>Total</b>	Count	<b>21</b>	<b>21</b>	<b>11</b>	<b>3</b>	<b>1</b>	<b>57</b>	N/A	N/A
	% by Row	<b>36.8%</b>	<b>36.8%</b>	<b>19.3%</b>	<b>5.3%</b>	<b>1.8%</b>	<b>100.0%</b>		



**What is your ultimate degree attainment goal?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
Bachelor's degree		1.6%	1
Post-baccalaureate certificate		0.0%	0
Master's degree		4.8%	3
Graduate certificate		0.0%	0
PhD		9.7%	6
EdD		22.6%	14
<b>EdS</b>		<b>50.0%</b>	<b>31</b>
Other doctoral or professional degree (e.g. MD, JD)		1.6%	1
Other (please specify)		9.7%	6
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

**Approximately how many hours do you work each week?**(Respondents could only choose a **single** response)

Response	Chart	Frequency	Count
0 to 20 hours		0.0%	0
21 to 30 hours		1.6%	1
31 to 40 hours		4.8%	3
41 to 50 hours		24.2%	15
<b>51 to 60 hours</b>		<b>45.2%</b>	<b>28</b>
61 to 70 hours		14.5%	9
Over 70 hours		9.7%	6
Unsure/It varies		0.0%	0
		<b>Valid Responses</b>	<b>62</b>
		<b>Total Responses</b>	<b>62</b>

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**INSTRUCTION, RESEARCH AND STUDENT AFFAIRS**  
**APRIL 18, 2013**

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**LEWIS-CLARK STATE COLLEGE**

**SUBJECT**

Lewis-Clark State College (LCSC) request for waiver of Board's Student Health Insurance Program policy

**REFERENCE**

April 2010	Board approval of Student Health Insurance Program (SHIP) Consortium contract
April 2012	Board consideration of several options for SHIP policy waiver. Motion failed.
September 2012	Board considered 1 <sup>st</sup> reading of amendments to Board policy III.P.16. (SHIP). Motion failed.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Policy Section III.P.16.a-b.

**BACKGROUND/DISCUSSION**

Idaho State Board of Education policy III.P.16 provides that *"Every full-fee paying student . . . attending classes in Idaho shall be covered by health insurance. Students shall purchase health insurance offered through the institution, or may instead, at the discretion of each institution, present evidence of health insurance coverage that is at least substantially equivalent to the health insurance coverage offered through the institution."* In 2009, Lewis-Clark State College (LCSC), Boise State University (BSU), and Idaho State University (ISU) formed a consortium in an attempt to acquire student insurance coverage plans at a more reasonable rate. Eastern Idaho Technical College (EITC), while not a party to the consortium, has used the same provider for their Student Health Insurance Program (SHIP) coverage.

In the period since the Board mandated student health insurance coverage in 2003, the health insurance world has changed considerably. Following steep increases in last year's SHIP rates within the consortium (the cost increased from approximately \$1,200 per year several years ago to over \$1,700 per year in FY2013), LCSC faces another significant premium increase. In order to avoid the provider's proposed \$565 increase for FY2014, the College reduced base plan coverage to limit the increase to \$260 dollars (at an annual cost of \$1,960). Even with Spartan coverage, the cost of the consortium-negotiated policy could be a significant hurdle for LCSC students with limited economic means.

Dramatically higher insurance rates and the volatility of federal, state, and industry requirements have made it exceedingly hard to match a "one-size-fits-all" College-provided policy against the widely varying needs of individual students and their families. Some families need more comprehensive coverage, while others would be better served by a no-frills catastrophic cap policy.

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It is problematic to insist that all student insurance plans be “at least substantially equivalent” to the coverage details of the consortium plan. It is also problematic to adjudicate exceptions to the rules to best meet the needs of individual students and their families, while carrying out the letter and spirit of the 2003 Board Policy.

Mandatory insurance costs have risen to the point that for 2013-14 they would be close to the equivalent of one semester of tuition. This financial pressure is leading some students to reduce their course loads and enroll part time to escape escalating insurance fees.

In 2014, under the Patient Protection and Affordable Care Act (PPACA), the federal insurance mandate will come into effect, with new options and sanctions. We believe it will no longer be necessary to withhold public education from Idahoans on the condition of health insurance coverage, and that federal and state law will cover the options and consequences of private citizens’ decisions, based on their unique circumstances.

Locality-specific concerns over the potential impact of uninsured students on county indigent health care costs appears to have been one of the major drivers of the Board’s decision to mandate student health insurance at the four-year institutions. This impact had not been a factor within the Lewis-Clark Valley community, is not currently a problem (for example, with part-time students), and it is not foreseen as a problem in the future.

LCSC has a broad cross-section of students with different economic means and different education and health needs. As reflected in our Board-assigned, complementary baccalaureate and community college missions, we strive to be accessible to students and families with limited financial resources. Ironically, LCSC is not afforded the same flexibility to carry out this mission as the community colleges, which have operated successfully outside the Board’s mandatory SHIP policy.

**IMPACT**

A one year waiver, on a trial basis, of the Board’s SHIP policy would enable LCSC to test the waters of the new health insurance environment and to determine if students could be adequately served acting as customers with freedom to choose the options which make the best sense for themselves and their families. LCSC would continue to participate in the current consortium, but students would be able to pick policies which matched their needs, without imposing an extra level of administrative oversight and adjudication on the adequacy of those choices under penalty of being barred from enrollment. The College would continue to mandate health insurance for inter-collegiate athletes and for international students. The College would analyze operations under the temporary waiver and submit recommendations for future procedures to the Board at the regular February 2014 meeting.

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**STAFF COMMENTS AND RECOMMENDATIONS**

At the Board's regular April 2012 meeting Boise State University (BSU), Idaho State University (ISU), Lewis-Clark State College (LCSC) and Eastern Idaho Technical College (EITC) requested that the Board waive its policy for mandatory student health insurance for one year in order to give time for the legal status of PPACA to manifest and for the institutions to evaluate student health insurance options. A motion was made "to delegate to the presidents of the colleges and universities authority to establish guidelines for student health insurance for the coming year." The motion failed for lack of a second.

At a special Board meeting on September 14, 2012, BSU, ISU and LCSC presented a different request for approval. Every full-time student would have still been required to be covered by health insurance. The proposed changes would have made institution-provided insurance permissive but not mandatory. In addition, the proposed changes would have streamlined operations to eliminate the current administrative efforts spent on enrolling in plans. The motion was to approve the first reading of the amendment to Board Policy III.P.16. The motion failed due to lack of a second.

LCSC is requesting a waiver of Board policy only with respect to the mandatory requirement that all full-fee paying student be covered by health insurance. LCSC would still provide an opportunity for students to purchase health insurance on a voluntary basis. Staff notes that mandatory student health insurance may be covered by federal financial aid, but optional insurance cannot be included in education costs for purposes of financial aid.

**BOARD ACTION**

I move to waive Board policy III.P.16. for Lewis-Clark State College, only with respect to mandatory student health insurance coverage, for FY2014 only, and to direct LCSC to evaluate student health insurance options for subsequent years and report findings and recommendations to the Board by no later than the February 2014 regular Board meeting.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**SUBJECT**

Board Policy V.M. Intellectual Property – First Reading

**REFERENCE**

October 2010	Board approved first reading of proposed amendments to Board Policy V.M.
December 2010	Board approved second reading of proposed amendments to Board Policy V.M. and requested the institutions bring forward their individual technology transfer policies to the Board for approval within 12 months.
June 2012	Board considered the institution's internal technology transfer policies and referred the issue to the IRSA Committee.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.M.

**BACKGROUND/DISCUSSION**

In 2010 amendments were made to Board Policy V.M. Intellectual Property in response to concerns voiced by industry partners regarding ambiguity in the policy with respect to: (1) vagueness regarding the Board's versus an institution's claim of ownership; and (2) once an institution does claim ownership, what authority it has in terms of transferring, conveying, disclaiming, etc. those ownership rights. In December of 2010 when the Board approved the second reading of the proposed amendments the institutions were directed to bring forward their individual technology transfer policies for Board approval within the following 12 months.

The institutions brought forward their proposed internal technology transfer policies to the Board for approval at the June 2012 Board meeting. There was extensive discussion during the Board meeting regarding the institutions internal policies and whether or not the institutions had received feedback from industry partners on their policies and whether or not there was a need to further refine the Board policy. Final action at the Board meeting was to refer the item to the Instruction, Research, and Student Affairs (IRSA) Committee for further discussion. The IRSA Committee discussed the issue and reviewed proposed changes to the Board's policy including the incorporation of technology transfer guiding principles similar to those used by other research institutions. The University of Idaho, Boise State University, and Idaho State University participated in the discussion and expressed some concerns with the sample guidelines that were provided for discussions. IRSA asked the institutions to work together to propose amendments to the Board policy and bring forward

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licensing guidelines similar to those discussed during the IRSA Committee meeting. The proposed Board amendment in Attachment 1 and the licensing guidelines in Attachment 2 are the result of the collaborative effort by the institutions. The attached Institution Technology Licensing Guidelines are a compilation of the University of California's licensing guidelines and Association of University Technology Managers (AUTM) *Nine Points to Consider in Licensing University Technology*.

**IMPACT**

The proposed changes to the policy include the incorporation of the licensing guidelines and will further clarify the Boards intent in regards to the institutions relationship and the transfer of technology developed at the institutions. Following approval of the second reading of Board policy V.M. the institutions will bring forward their internal policies for Board approval.

**ATTACHMENTS**

Attachment 1 – Board Policy V.M. – First Reading.	Page 5
Attachment 2 – Institution Technology Licensing Guidelines	Page 10

**STAFF COMMENTS AND RECOMMENDATIONS**

The universities' general counsel have worked collaboratively to bring forward the proposed amendments and licensing guidelines for Board consideration. Due to the timing around the receipt of the proposed changes, additional industry feedback on the proposed changes to the Board policy have not been received. The proposed changes have been distributed to the Higher Education Research Council, with a request to review the policy amendments and licensing guidelines and provide feedback to Board staff regarding these changes. Feedback will be received prior to the second reading of the policy amendments.

Further clarification is needed should the board approve the adoption of the licensing guidelines as to how binding they are on the institutions. The institutions have expressed the need for flexibility in dealing with licensing and technology transfer due to the unique nature of each situation. It is necessary that the Board be very clear in the policy whether or not the institutions are required to follow the licensing guidelines or are only being requested to follow them when the institutions determine it is feasible to do so.

Staff recommends approval of the first reading of the policy with the adoption of the guiding principles at the same time as the second reading of the proposed changes. The final adoption of the guiding principles at the same time as the second reading will allow for additional feedback from industry as well as from the institutions on the licensing guidelines.



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**BOARD ACTION**

I move to approve the first reading of proposed amendments to Board Policy Section V.M. Intellectual Property as presented.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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1. Objectives and Purposes

The State Board of Education, on behalf of the state of Idaho, and the Board of Regents, on behalf of the University of Idaho, (hereinafter collectively referred to as the "Board") ~~recognize the dynamic relationship between research and education in postsecondary educational institutions. The Board recognizes that inventions, discoveries and published works of commercial importance intellectual property, including patentable inventions and copyrightable works, may be the natural outgrowth of research. the educational, research, and outreach missions of Idaho's postsecondary education institutions. The Board intends is dedicated to promoteing the beneficial use of such intellectual property esy for Idaho and the nation. While postsecondary educational institutions must remain open to intellectual inquiry, this openness carries with it the obligation to contribute to the economic growth and development of Idaho and the nation. Theis following intellectual property policiesy seeks to~~ balance the institutional obligations to preserve open access and inquiry while also actively seeking with the concomitant obligation to foster and advance the commercial value of intellectual property produced by employees of Idaho's postsecondary educational institutions, dissemination and use of institutional intellectual property for the public benefit, which may occur through development of protectable discoveries and inventions through rigourous scientific investigation and research, and the development, acquisition, and licensing of patents and other intellectual property for the economic growth and development of Idaho and the nation.

In furtherance of this objective, institutions shall in accordance with the Idaho Institution Licensing Guidelines, adopted by the Board June 2012, assign, transfer, sell or license inventions, or patents or other intellectual property owned by the institutions:

- a. to entities that make, market and sell products or services or that contractually agree to do so in connection with the licensed or transferred intellectual property;
- b. where the primary purpose of such assignment, transfer, sale or license directly aids and promotes the further development and commercialization of licensed products or services by such entity, and is not intended primarily for the purpose of further licensing or sublicensing such invention or patent to third parties for monetary gain only;
- c. where necessary for the institution to perform or have performed sponsored research or other institutional activities, including compliance with applicable requirements of law or contract associated with such research or other activity; or
- d. where the transferee is a non-profit entity engaged in research and education and the assignment, transfer, sale or license promotes further research and education for the public good and does not unduly impact use of the intellectual property to contribute to economic growth and development.

**2. Intellectual Property**

- a. Definition. Intellectual property includes, but is not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, plant variety, research data, mark, design, mask work, work of authorship, and computer software regardless of whether subject to protection under patent, trademark, copyright or other laws.
- b. Claim of ownership interest. The Board, on behalf of the state of Idaho, through and by Idaho's postsecondary educational institutions under the governance of the Board (hereinafter referred to as "institutions") claims ownership of any intellectual property developed under any of the following circumstances:
  - i. Arising from any work performed by an employee of any institution during the course of their duties to the institution;
  - ii. Arising from any ~~work performed~~ use by an employee of an institution or other ~~individual person, using of~~ Board or institution resources not openly available to members of the general public including, but not limited to, laboratories, studios, equipment, production facilities, office space, personnel, or specialized computing resources; or
  - iii. Arising from any work performed by an employee of an institution under contract in a program or project sponsored by an institution or between institutions or a closely related research foundation.
- c. Disclaimer of ownership interest. The Board claims no ownership interest in any intellectual property developed by the employee(s) or other person(s), including but not limited to contractor(s) of an institution under the following circumstances:
  - i. When the work is performed outside the assigned duties of the employee/~~contractor~~other person; and
  - ii. When the employee/~~contractor~~other person is without benefit of Board or institution facilities except libraries.
- d. Policy review. Institutional policies setting out technology transfer administration, including evaluating, financing, assignment, marketing, protection, and the division and use of royalties, as well as amendments thereto, must be submitted to the Board for its review and approval.
- e. Condition of employment - Institution employees and contractors must, as a condition of employment or contract, agree and adhere to the Board approved policy on intellectual property.

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**3. Copyrights**

- a. Notwithstanding Section 2.c. of this Policy, when institution employees/~~contractors~~ or other persons are ~~expressly directed~~ specifically ordered or commissioned to produce specific work ~~for publication, performance or display in the course of their employment duties~~, the institution reserves the right to ~~copyright the publication~~ seek and obtain registration of copyright for such works in the name of the state of Idaho or the institution or to publish such work without securing a copyright registration.
- b. Except as noted in Section 3.a. above, neither the Board nor any institution is required to claim an ownership interest in works submitted for publication, performance or display by institution employees/~~contractors~~ other persons. Instead, institutions subject to this ~~P~~policy may elect, by contract or institutional policy, to claim an interest in copyrightable material produced, in whole or part, by their employees or ~~contractors~~ other persons subject to this policy. Institutional policy shall provide for institutional ownership in circumstances including, but not limited to, the following:
  - i. In cases of specific contracts providing for institutional ownership,
  - ii. In cases where the constituent institution or sponsor may employ personnel for the purpose of producing a specific work,
  - iii. Where institutional ownership is deemed necessary in order to reflect the contribution of the institution to the work, or
  - iv. Where a sponsored agreement requires institutional ownership.

**4. Intellectual Property Transfer**

- a. The Board delegates to the institutions the right to transfer, convey, license, or disclaim, in accordance with the Idaho Institution Licensing Guidelines, rights in intellectual properties developed within each respective institution ~~under this policy~~. This policy allows the institutions to effect knowledge transfer and foster economic growth and development. Under this policy, each respective institution may:
  - i. Grant any or all intellectual property rights to affiliated research foundations for further development or transfer.
  - ~~ii. Act to convey any or all intellectual property rights to for-profit, non-profit, and/or governmental entities.~~

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- ~~iii. Grant exclusive intellectual property rights to for-profit, non-profit, and/or governmental entities.~~
- ii. Sell, assign, transfer, or exclusively or non-exclusively license intellectual property rights owned by the institution to for-profit, non-profit, and/or governmental entities that make, market and sell products or services or that contractually agree to do so in connection with the transferred or licensed intellectual property, or where the primary purpose of such assignment, transfer, sale or license directly aids and promotes the further development of the intellectual property or commercialization of products or services or the underlying intellectual property by such entity. However, such assignment, transfer, sale or license must not be for the sole or primary purpose of bring an infringement action.
- iii. Sell assign, transfer, or exclusively or non-exclusively license to institution employees or other persons subject to this policy.
- iv. Collect and disburse license payments in accordance with institutional policy to inventors and their departments and colleges, as well as to their institutions.
- v. Permit institutional employees the right to participate in ownership and governance of for-profit, non-profit, and/or governmental entities that licensed institutional intellectual property to produce and market products and technology based on or derived from the licensed the intellectual property, subject to the conflict of interest policies set forth in Idaho State Board of Education Governing Policies and Procedures, Section I.G. and II.Q.
- b. Each institution shall develop an institutional policy on technology transfer. At a minimum, an institution's policy shall include:
  - i. The name of the institutional position (or office) with the authority and responsibility for carrying out the policy and binding the institution contractually.
  - ii. Policy and plans for patent acquisition (i.e., who initiates, who pays the lawyers, and an enumeration of the duties, responsibilities, and a process for settling debates).
  - iii. The range of allowable institutional involvement in the transfer process (i.e., from licensing to acceptance of institutional ownership interests, continued development in institutional facilities for the benefit of the licensee, business planning or production assistance).

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- c. At the request of the Board the appropriate officer of each institution shall report on technology transfer activities that have occurred at the institution and the general effectiveness of the institution in deploying technology. Institutions should report performance data through the annual Association of University Technology Licensing survey. The report shall also indicate whether any employees of the institution or its respective research foundation have a financial interest in the entity to which the intellectual property rights were conveyed. Terms of any license or technology transfer contract will be made available in confidence upon request for inspection by the Board.

**Idaho State Board of Education  
Institution Technology Licensing Guidelines**

The Idaho State Board of Education (Board) recognizes that institutions must share intellectual property with the public for the betterment of society. To provide a set of operating guidelines for such technology transfer, the Board has adopted these guidelines, derived from the “Nine Points” publication produced by the Association of Institution Technology Managers (AUTM) and the “University Licensing Guidelines” adopted by the Regents of the University of California.

The College and Universities under the Board’s governance (hereinafter collectively “institutions” or “institution”) share certain core values that can and should be maintained to the fullest extent possible in all technology transfer agreements. The purpose of licensing institution intellectual property (IP) rights and materials is to encourage the practical application of the results of institution research by industry for the broad public benefit; meet our obligations to sponsors of institution research; build research relationships with industry partners to enhance the research and educational experience of researchers and students; stimulate commercial uptake and investment; stimulate economic development; and ensure an appropriate return of taxpayer investments in institution research. Financial returns from technology licensing provide additional support for research and education, an incentive for faculty retention, and support of the institution technology transfer program. Institutions are charged to pursue these objectives in licensing institution IP. In carrying out these objectives, institutions are called upon to make complex licensing decisions based upon a multiplicity of facts and circumstances and by applying their professional experience, in consideration of the following guidelines. It is incumbent of the institutions to analyze each licensing opportunity individually in a manner that reflects the business needs and values of their institution, but at the same time, to the extent appropriate, also to bear in mind the concepts articulated herein when crafting agreements with industry. Multiple factors must be considered in each transaction, such as: the nature and stage of development of the technology; the breadth and complexity of the potential fields of use; the product development path and timeline; the extent of intellectual property protection; the relevant markets and market niches; specific campus practices; unique needs of prospective licensees; ethical considerations for the use of future products; and emerging issues, among other elements. All factors require careful consideration in developing a relationship with a prospective licensee, and the institution needs flexibility to address each of these issues. Further, the result of any one licensing decision may or may not be appropriate to another similar situation, as changes in knowledge and individual factors should be taken into consideration for each case-specific circumstance.

In all cases, the institution reserves the right, to the fullest extent permitted by Board policy and law, to exercise its discretion over decisions regarding its choice of licensee, the extent of rights licensed, and/or a refusal to license to any party.



## **GUIDELINES**

*1. The primary objective in developing a patenting and licensing strategy for an invention should be to support the education, research, and public benefit mission of the institution.*

The institution recognizes the need for and desirability of broad utilization of the results of institution research, not only by scholars but also for the general public benefit, and acknowledges the importance of the patent system in providing incentives to create practical applications that achieve this latter goal.

In addition, with respect to federally-funded inventions (which comprise a large portion of the institution's invention portfolio), the Bayh-Dole Act (35 U.S.C. 200-212) requires the institution's use of the patent system to promote the utilization of inventions arising from federally supported research, to encourage maximum participation of small business firms, to promote collaboration between commercial concerns, nonprofits and universities and to promote free enterprise without unduly encumbering future research and discovery. As such, the institution is responsible for crafting a technology management strategy that supports the education, research, and public service mission of the institution. This requires establishing a balance of priorities between the timely transfer of technology to industry for commercialization while preserving open access to research results for use by the institution and the research community.

A primary licensing decision is whether to license exclusively or non-exclusively. The institution should consider licensing either non-exclusively, or exclusively within specific fields-of- use when an invention is broad in scope and can be used in multiple industries as well as for a platform technology that could form the basis of new industries. In general, institutions should consider granting exclusive licenses to inventions that require significant investment to reach the market or are so embryonic that exclusivity is necessary to induce the investment needed to develop and commercialize the invention or when the technology requires a company willing to dedicate financial resources and the additional research to realize the commercial potential. Finally, as noted below, exclusive licensing must have performance milestones connected to the continuation of such exclusivity.

Alternatively, an exclusive "field-of-use" license is a way to create market incentives for one company while enabling the institution to identify additional licensees to commercialize the invention in additional markets. In some cases, a limited-term exclusive license that converts to a non-exclusive license can be an effective strategy to meet the public benefit objective. Further, special consideration should be given to the impact of an exclusive license on uses of a technology that may not be appreciated at the time of initial licensing. A license grant that encompasses all fields of use for the life of the licensed patent(s) may have negative consequences if the subject technology is found to have unanticipated utility. This possibility is particularly troublesome if the licensee is not able or willing to develop the technology in fields outside of its core business. Institutions are encouraged to use approaches that balance a licensee's legitimate commercial needs against the university's goal (based on its educational and charitable mission and the public interest) of ensuring broad practical application of the fruits of its research programs.

Finally, the licensing strategy should ensure prompt broad access to unique research resources developed by the institution. To preserve the ability of the institutions to perform research,

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ensuring that researchers are able to publish the results of their research in dissertations and peer-reviewed journals and that other scholars are able to verify published results without concern for patents, the institution should consider reserving rights in all fields of use, even if the invention is licensed exclusively to a commercial entity, for themselves and other non-profit and governmental organizations. This is designed to practice inventions and to use associated information and data for research and educational purposes, including research sponsored by commercial entities and to transfer research materials and results to others in the non-profit and governmental sectors. Clear articulation of the scope of reserved rights is critical.

*2. Institution must meet existing third party obligations*

Research projects increasingly involve a multiplicity of third party agreements and relationships. For some inventions, the institution will have existing licensing obligations to a company or other research partner based upon contractual commitments made under sponsored research, material transfer, database access, inter-institutional, or other third-party IP agreements. Institutions shall seek to identify all licensing obligations to third parties so that such obligations can be met. While the inventor(s) should be required to identify these obligations at the time of disclosure to the institution, the institution is encouraged to verify the completeness or accuracy of the inventor(s) obligations.

Direct discussions with the inventor(s) and/or review of system-wide and local contract and grant databases may help determine whether the appropriate agreements are identified. Careful review of these agreements is critical to understanding the nuances of any third party obligations. Copies of any relevant agreements should be retained in the licensing file for future reference and to document the basis for decisions affecting the status of such third party obligations.

In addition, the institution should evaluate any other factors that may affect the institution's right to license the invention. The institution should investigate whether an inventor's disclosed invention entails a possible claim to prior ownership rights by a third party based upon the inventor's previous or current outside activities, for example, consulting arrangements, visiting scientist agreements, inventor start-up companies, and other contract obligations, particularly in light of court decisions (e.g. *Stanford v. Roche*, Fed Cir., 2009).

*3. The selected licensee should be capable of bringing the invention to the marketplace and the license should be structured in a manner that encourages technology development and use.*

The institution should seek licensees capable of bringing the invention to the marketplace in a timely manner. While often only one potential licensee comes forward for any given institution invention, the institution should nevertheless assess the potential licensee's technical, managerial and financial capability to commercialize the technology. From a programmatic perspective, licensing preference should be given to small business concerns, when appropriate, pursuant to federal law and regulations, provided such small businesses appear capable of bringing the technology to the marketplace.

Institutions should use care when licensing multiple technologies, invention portfolios, or a single technology with multiple variant applications to a single commercial organization to ensure that the licensing strategy meets the institution's desire to maximize public benefit.

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In selecting a licensee, the institution, should consider whether the potential licensee:

- has a general business plan that delineates a clear strategy to commercialize the invention
- has or can secure the technical, financial and personnel resources to develop and commercialize the invention in a timely manner
- has experience relevant to developing and commercializing the invention
- has appropriate marketing capabilities
- possesses a strong desire and commitment to make the product/technology a success
- is able to meet any regulatory requirements needed to commercialize the technology
- has, or can develop sufficient capacity to satisfy the market demand for the technology
- demonstrates commitment to the institution's invention in light of other technologies competing for resources in the company
- has goals that generally align with those of the institution with respect to public benefit

The institution should obtain and retain documents that address the licensee's ability to bring the technology to the market. In the case of a start-up company, not all factors necessary to commercialize the technology may be present at the outset. The institution should consider whether the start-up has an appropriate level of resources and technical capabilities, given the development stage of the company and the nature of the invention, as well as whether the start-up has the potential to acquire the necessary resources to successfully develop and market the technology in a timely manner.

Institutions also need to be mindful of the impact of granting overly broad exclusive rights and should strive to grant just those rights necessary to encourage development of the technology. Performance milestones are a necessary part of any license, and are even more import in exclusive licenses.

In situations where an exclusive license is warranted, it is important that licensees commit to diligently develop the technology to protect against a licensee that is unable or unwilling to move an innovation forward. In long-term exclusive licenses, diligent development should be well-defined and regularly monitored during the exclusive term of the agreement and should promote the development and broad dissemination of the licensed technology. Ideally, objective, time-limited performance milestones are set, with termination or non-exclusivity (subject to limited, but reasonable, cure provisions) as the penalty for breach of the diligence obligation.

Another means of ensuring diligent development, often used in conjunction with milestones, is to require exclusive licensees to grant sublicenses to third parties to address unmet market or public health needs ("mandatory sublicensing") and/or to diligently commercialize new applications of the licensed rights. Such a requirement could also be implemented through a reserved right of the licensor to grant direct licenses within the scope of the exclusive grant to third parties based on unmet need. In such situations, it is important to ensure that the parties have a common understanding of what constitutes a new application or unmet need for the purpose of implementing such a provision.

*3.A. Future Improvements*

Although licensees often seek guaranteed access to future improvements on licensed

inventions, the obligation of such future inventions may effectively enslave a faculty member's research program to the company, thereby exerting a chilling effect on their ability to receive corporate and other research funding and to engage in productive collaborations with scientists employed by companies other than the licensee – perhaps even to collaborate with other academic scientists. In particular, if such future rights reach to inventions made elsewhere in the university, researchers who did not benefit from the licensing of the original invention may have their opportunities restricted as well, and may be disadvantaged economically relative to the original inventors if the licensing office has pre-committed their inventions to a licensee.

For these reasons, exclusive licensees should not automatically receive rights to “improvement” or “follow-on” inventions. Instead, as a matter of course, licensed rights should be limited to existing patent applications and patents, and only to those claims in any continuing patent applications that are (i) fully supported by information in an identified, existing patent application or patent and (ii) entitled to the priority date of that application or patent.

In the rare case where a licensee is granted rights to improvement patents, it is critical to limit the scope of the grant so that it does not impact uninvolved researchers and does not extend indefinitely into the future. It is important to further restrict the grant of improvements to inventions that are owned and controlled by the licensor institution - i.e., (i) not made by the inventor at another institution, should they move on or (ii) co- owned with, or controlled by, another party. One refinement to this strategy would be to limit the license to inventions that are dominated by the original licensed patents, as these could not be meaningfully licensed to a third party, at least within the first licensee's exclusive field. As was discussed earlier, appropriate field restrictions enable the licensing not only of the background technology, but also of improvements, to third parties for use outside the initial licensee's core business. In all cases, a license to improvements should be subject to appropriate diligent development requirements.

It should be recognized, however, that not all “improvements” have commercial potential (for example, they may not confer sufficient additional benefit over the existing technology to merit the expense of the development of new or modified products), in which case a licensee might not wish to develop them. In general, it may be best simply not to patent such improvements.

4. *The license agreement should include diligence terms that support the timely development, marketing, and deployment of the invention.*

The institution should include diligence provisions in a license agreement to ensure that the licensee develops and commercializes the invention in a timely manner, especially when an invention is exclusively licensed. The institution's commitment to public benefit is not met by allowing an invention to languish due to a licensee's lack of commitment, “shelving” the technology to protect its competing product lines, or inadequate technical or financial resources. Appropriate diligence provisions are invention-specific and will vary depending on the circumstances. Common diligence obligations that an institution should consider include:

- the amount of capital to be raised (for a start-up) or the amount of funding committed (for an existing business) by the company to support the technology's development.

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- specific dates by which the licensee must achieve defined milestones, such as: secure levels of regulatory approval; make a working prototype; initiate beta testing of a licensed product; receive formal market/customer feedback; achieve specific prototype performance thresholds (such as efficiency or size); establish a production facility; first sell the commercial product; or achieve a certain level of sales.

To ensure that the institution continues to manage its technologies as assets for the public's benefit, clearly defined diligence provisions allow verification of the licensee's compliance with its diligence obligations. Therefore, the licensing agreement language should be sufficiently specific so that both parties can determine whether the diligence obligations have been met. Further, the license should provide a remedy for failure to meet diligence obligations, such as termination of the license or, in the case of an exclusive license, a reduction to a non-exclusive license.

*5. The license agreement should be approved as to legal integrity and consistency.*

In order to ensure that the institution has the right to enter into licensing discussion, the institution should ensure that the inventors have signed an agreement that acknowledges the institutions patent policy, and institution claim of ownership of inventions under the Policy, and/or an actual Assignment Agreement that confirms the institution's ownership in the invention and that includes a present assignment of invention rights.

In determining the rights that can be granted in a license agreement, the institution should ask the inventors about past and present sponsors of their research, material providers, and independent consulting and other agreements (e.g., visitor, confidentiality, etc.) they have signed that could be related to the invention to determine if conflicting obligations exist between such agreements and the proposed license.

The institution shall ensure that the provisions of the license agreement are reviewed and approved by the institution Office of General Counsel, and comply with institution policies with regard to legal integrity and consistency, including the following concerns:

*5.A. Use of Name:*

The institution shall ensure that the license agreement prohibits the use of the institution's name, or the names of its employees, to promote the licensee or its products made under the license agreement, unless specifically approved by authorized institution personnel. The license may provide limited use of the institution's name where required by law, to give effective legal notice such as a copyright mark, or to make a statement of fact regarding the origin of plant material.

*5.B. Indemnification:*

The institution shall ensure that the license agreement contains an indemnification provision under which the licensee assumes all responsibility for any product or other liability arising from the exercise of the license covering the invention. The licensee should assume all responsibility as it has complete control over product development while the institution only provides rights under the patents it holds.

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*5.C. Limitation of Liability:*

The institution shall ensure that the license agreement contains a provision that limits the institution's liability for any damages that may result from the licensee's acts under the license agreement (e.g., intellectual property infringement, lost profits, lost business, cost of securing substitute goods, etc.).

*5.D. Insurance:*

The institution shall ensure that the license agreement requires the licensee to carry sufficient insurance or have an appropriate program of self-insurance to meet its obligations to protect the institution, and provide evidence of such.

*5.E. Limited Warranty:*

The institution shall ensure that the license agreement contains a limited warranty provision stating that nothing in the license shall be construed as (i) a warranty or representation regarding validity, enforceability, or scope of the licensed patent rights; (ii) a warranty or representation that any exploitation of the licensed patent rights will be free from infringement of patents, copyrights, or other rights of third parties; (iii) an obligation for the institution to bring or prosecute actions or suits against third parties for patent infringement except as provided in the infringement provision of the license; (iv) conferring by implication, estoppel, or otherwise any license or rights under any patents or other rights of institution other than the licensed patent rights, regardless of whether such patents are dominant or subordinate to the licensed patent rights; and (v) an obligation to furnish any new developments, know-how, technology, or technological information not provided in the licensed patent rights.

*5.F. Patent Prosecution:*

The institution shall ensure that the license agreement contains a patent prosecution provision that stipulates the institution will diligently prosecute and maintain the patent rights using counsel of its choice who will take instructions solely from the institution. The institution will use reasonable efforts to amend any patent application to include claims requested by the Licensee. For an exclusive license, all such costs will be borne by the licensee. For non-exclusive licenses, a common practice is for each licensee to pay a pro-rata share of such costs.

*5.G. Patent Infringement:*

The institution shall ensure that an exclusive license agreement contains a patent infringement provision that stipulates that neither the institution nor the licensee will notify a third party (including the infringer) of infringement or put such third party on notice of the existence of any patent rights without first obtaining consent of the other party; with additional language that addresses infringement notification process, participation, control and prosecution of the suit, and payment of costs and sharing of awarded damages.

*5.G.1. Infringement Action Considerations*

In considering enforcement of their intellectual property, it is important that universities be

mindful of their primary mission to use patents to promote technology development for the benefit of society. All efforts should be made to reach a resolution that benefits both sides and promotes the continuing expansion and adoption of new technologies. Litigation is seldom the preferred option for resolving disputes.

However, after serious consideration, if a university still decides to initiate an infringement lawsuit, it should be with a clear, mission-oriented rationale for doing so- one that can be clearly articulated both to its internal constituencies and to the public. Ideally, the university's decision to litigate is based on factors that closely track the reasons for which universities obtain and license patents in the first place, as set out elsewhere in this paper. Examples might include:

- Contractual or ethical obligation to protect the rights of existing licensees to enjoy the benefits conferred by their licenses; and
- Blatant disregard on the part of the infringer for the university's legitimate rights in availing itself of patent protection, as evidenced by refusal on the part of the infringer to negotiate with or otherwise entertain a reasonable offer of license terms.

#### *5.G.2. Patent Aggregators and "Flippers"*

As is true of patents generally, the majority of university-owned patents are unlicensed. With increasing frequency, university technology transfer offices are approached by parties who wish to acquire rights in such 'overstock' in order to commercialize it through further licenses. These patent aggregators typically work under one of two models: the 'added value' model and the so-called 'patent troll' model.

Under the added value model, the primary licensee assembles a portfolio of patents related to a particular technology. In doing so, they are able to offer secondary licensees a complete package that affords them freedom to operate under patents perhaps obtained from multiple sources. As universities do not normally have the resources to identify and in-license relevant patents of importance, they cannot offer others all of the rights that may control practice (and, consequently, commercialization) of university inventions. By consolidating rights in patents that cover foundational technologies and later improvements, patent aggregators serve an important translational function in the successful development of new technologies and so exert a positive force toward commercialization. For example, aggregation of patents by venture capital groups regularly results in the establishment of corporate entities that focus on the development of new technologies, including those that arise from university research programs. To ensure that the potential benefits of patent aggregation actually are realized, however, license agreements, both primary and secondary, should contain terms (for example, time-limited diligence requirements) that are consistent with the university's overarching goal of delivering useful products to the public.

In contrast to patent aggregators who add value through technology-appropriate bundling of intellectual property rights, there are also aggregators (the 'patent trolls') who acquire rights that cut broadly across one or more technological fields with no real intention of commercializing the technologies. In the extreme case, this kind of aggregator approaches companies with a large bundle of patent rights with the expectation that they license the entire package on the theory that any company that operates in the relevant field(s) must be infringing at least one of the hundreds, or even thousands, of included patents. Daunted by the prospect of committing the human and financial resources needed to perform due

diligence sufficient to establish their freedom to operate under each of the bundled patents, many companies in this situation will conclude that they must pay for a license that they may not need. Unlike the original patent owner, who has created the technology and so is reasonably entitled to some economic benefit in recognition for its innovative contribution, the commercial licensee who advances the technology prior to sublicensing, or the added value aggregator who helps overcome legal barriers to product development, the kind of aggregator described in this paragraph typically extracts payments in the absence of any enhancement to the licensed technology. Without delving more deeply into the very real issues of patent misuse and bad-faith dealing by such aggregators, suffice it to say that universities would better serve the public interest by ensuring appropriate use of their technology by requiring their licenses to operate under a business model that encourages commercialization and does not rely primarily on threats of infringement litigation to generate revenue.

A somewhat related issue is that of technology ‘flipping’, wherein a non-aggregator licensee of a university patent engages in sublicensing without having first advanced the technology, thereby increasing product development costs, potentially jeopardizing eventual product release and availability. This problem can be addressed most effectively by building positive incentives into the license agreement for the licensee to advance the licensed technology itself – e.g., design instrumentation, perform hit-to-lead optimization, file an IND. Such an incentive might be to decrease the percentage of sublicense revenues due to the university as the licensee meets specific milestones.

#### *5.H. Third Party Obligations and Conflicts of Interest:*

Technology transfer offices should be particularly conscious and sensitive about their roles in the identification, review and management of conflicts of interest, both at the investigator and institutional levels. Licensing to a start-up founded by faculty, student or other university inventors raises the potential for conflicts of interest; these conflicts should be properly reviewed and managed by academic and administrative officers and committees outside of the technology transfer office. A technology licensing professional ideally works in an open and collegial manner with those directly responsible for oversight of conflicts of interest so as to ensure that potential conflicts arising from licensing arrangements are reviewed and managed in a way that reflects well on their university and its community. Ideally, the university has an administrative channel and reporting point whereby potential conflicts can be non-punitively reported and discussed, and through which consistent decisions are made in a timely manner.

#### *5.I. Export Controls*

Institution technology transfer offices should have a heightened sensitivity about export laws and regulations and how these bodies of law could affect university licensing practices. Licensing “proprietary information” or “confidential information” can affect the “fundamental research exclusion” (enunciated by the various export regulations) enjoyed by most university research, so the use of appropriate language is particularly important. Diligence in ensuring that technology license transactions comply with federal export control laws helps to safeguard the continued ability of technology transfer offices to serve the public interest.



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6. *The institution should receive fair consideration in exchange for the grant of commercial licensing rights.*

The institution should ensure that institution receives fair consideration for commercial licenses of its inventions (as public assets created using public funds, supplies, equipment, facilities, and/or staff time) to private entities. Generally, the value of the consideration received by the institution should be based on the licensee's sale or distribution of licensed products or licensed services by the licensee. Other factors that impact the negotiation of the institution's consideration may include:

- the type of technology and industry
- the stage of development and market consideration
- the perceived value to the licensee's business and competitive position ("must-have" vs. "nice-to-have")
- the market potential, contribution of the technology to market penetration, and market sector dynamics (i.e. growing, static, declining?)
- the projected cost and risk of product development and marketing
- the competitive advantage over alternative products; is the invention a seminal "game-change" one or an incremental improvement?
- the likelihood of competing technologies
- the net profit margin of the anticipated product
- comparable prices for similar technologies or products
- the scope and enforceability of the institution's patent claims, extent of freedom-to-operate required, and years remaining on patent term
- the projected decrease in the cost of production or R&D expenditures
- the scope of license (exclusive/nonexclusive, narrow/broad fields of use, U.S./non- U.S.)
- the opportunity for accelerated time to market based upon the necessity for meeting a critical public need.

In general, the fair consideration to the institution should be in cash, but other forms of consideration may be accepted in partial lieu of cash fee(s) such as equity in the company (discussed below). The form of such consideration negotiated by the institution may vary widely based on case-specific factors.

The institution should consider including some or all of the following elements as part of the consideration:

*6.A. Reimbursement of institution's patent costs:*

The licensee pays for domestic and/or foreign patent applications either through an up-front fee that covers past and future costs and/or through a requirement to reimburse past, present and future costs upon invoicing by the institution. Where the technology is licensed to multiple parties, reimbursement may be done on a pro-rata basis. Full reimbursement by an exclusive licensee is standard institution practice.

*6.B. License Issue fee:*

The licensee pays a fee to the institution upon final execution of the license agreement either in a lump sum or on an agreed upon schedule. The amount of this fee should reflect the value of the invention at the time it is made available to the licensee. Such fees range

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widely, depending on the circumstance. Under some circumstances, the issue fee for small companies or start-ups may be partially postponed until sufficient investment capital is secured, or may be replaced in part by the institution's acceptance of equity in the company (see *Equity* below).

*6.C. Running royalties:*

The licensee pays ongoing consideration to the institution in the form of a running (or earned) royalty, typically calculated as a percentage of net sales or use of licensed products or services that incorporate the technology. Such royalties should not be "capped" at a pre-determined dollar level, as the institution should share fully in the success of any commercial use of technology made available to the licensee. In some rare cases, a running royalty value may be difficult to assess due to the particular market and the type of products being developed. In such cases a fixed amount for each unit of licensed product sold or a one-time or annual fee may be contemplated, where the fee should reflect the value of the invention over the projected length of patent protection (both U.S. and foreign).

*6.D. Annual maintenance fee/minimum annual royalty:*

The licensee pays an annual license maintenance fee which serves as a form of diligence and represents the licensee's continuing interest in and a financial commitment to commercialize the invention. A minimum annual royalty begins in the first year of commercial sales and serves not only as a diligence obligation but also incentivizes the licensee to achieve sales generating royalties that meet or exceed the minimum annual royalty. Typically, annual maintenance fees cease after commercial sales begin when they are replaced by the minimum annual royalty. Minimum annual royalties, if paid in advance, are generally creditable against the running royalty due that year. The institution may use these fees singly, in combination, or not at all as judgment dictates, however, including such fees not only creates diligence obligations but also provides annual income to support the institution's research and education mission.

*6.E. Sublicensing fees:*

Under an exclusive license where the licensee is permitted to transfer rights to third parties (a sublicense), the licensee pays the institution consideration for sales or use of licensed products or services by its sublicensees. The institution should receive a fair share of all consideration, including royalty and non-royalty income, received by the licensee from the sublicensee. It is institution practice not to include sublicensing rights under its non-exclusive licenses as the granting of such rights could place the licensee in direct licensing competition with the institution, except in those cases where the sublicensee's activities are necessary for the sublicensor to commercialize the licensed technology (e.g. sublicensee is a contract research organization or contract manufacturer providing a vital component to the sublicensor necessary for the licensed technology, etc.).

*6.F. Equity:*

To encourage commercialization of institution technology, the institution may accept equity in a company as partial consideration for invention licensing in a manner consistent with Board and institution policies. This option may be particularly useful in working with small or startup companies where financial considerations limit the company's and its

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investors' willingness to pay cash to the university for licensing costs, such as license issue fees and annual maintenance fees. When accepting equity, institutions should consider the risk-adjusted value of equity and the potential loss of value associated with dilution of equity.

*6.G. Other:*

The institution may negotiate forms of consideration other than those described above, such as milestone payments upon the completion of certain licensed product development events or upon financing or investment triggers (e.g., investment rounds, merger or acquisition, or a public stock offering). Other unique exchanges of value occasionally may be appropriate forms of fair consideration. The institution should note, however, that such non-monetary forms of consideration (other than equity) fall outside the royalty-sharing provisions of the institution Patent Policy. The institution should take care to not designate research funding as a form of consideration in a license as license income is subject to the royalty-sharing provisions of the institution Patent Policy whereas research funding is not consideration for a license but is fixed at a level to pay for the cost of conducting the research (*Singer v. The Regents*, 1996).

Finally, the institution should be aware that "overly-aggressive" negotiation of financial consideration may impede commercialization of an invention and may not be consistent with certain research sponsor guidelines (e.g., Federal, State, or non-profit extramural sponsorship policies). However, undervaluing a commercial license reduces the additional monetary support for research and education and compromises the principle of seeking a fair return on the public asset that is the institution's technology. The institution should weigh all appropriate factors discussed above in crafting a commercial license to create an optimal structure and fair consideration.

*7. The license agreement should support the academic principles of the institution.*

The institution should ensure that the provisions of the license agreement support the institution's academic teaching and research mission, including the following concerns:

*7.A. Open Dissemination of Research Results and Information:*

License agreements with external parties shall not limit the ability of institution researchers to disseminate their research methods and results in a timely manner. The most fundamental tenet of the institution is the freedom to interpret and publish, or otherwise disseminate, research results to support knowledge transfer and maintain an open academic environment that fosters intellectual creativity.

*7.B. Accessibility for Research Purposes:*

The institution should ensure that the license agreement protects the ability of institution researchers, including their student and research collaborators, to use their inventions in future research, thus protecting the viability of the institution's research programs. The institution has a commitment to make the results of its research widely available through publication and open distribution of research products for verification and ongoing research. The institution also seeks to foster open inquiry beyond the interests of any one research

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partner, particularly where the invention is a unique research tool. One way in which the institution addresses this is through the retention in the license agreement of the institution's right to use and distribute inventions to other non-profit research institutions for research and educational purposes.

*7.C. Broad Access to Research Tools:*

Consistent with the NIH Guidelines on Research Tools, principles set forth by various charitable foundations that sponsor academic research programs and by the mission of the typical university to advance scientific research, universities are expected to make research tools as broadly available as possible. Such an approach is in keeping with the policies of numerous peer-reviewed scientific journals, on which the scientific enterprise depends as much as it does on the receipt of funding: in order to publish research results, scientists must agree to make unique resources (e.g., novel antibodies, cell lines, animal models, chemical compounds) available to others for verification of their published data and conclusions.

Through a blend of field-exclusive and non-exclusive licenses, research tools may be licensed appropriately, depending on the resources needed to develop each particular invention, the licensee's needs and the public good. The drafting of such an exclusive grant should make clear that the license is exclusive for the sale, but not use, of such products and services; in doing so, the university ensures that it is free to license non-exclusively to others the right to use the patented technology, which they may do either using products purchased from the exclusive licensee or those that they make in-house for their own use.

*8. All decisions made about licensing institution inventions should be based upon legitimate institutional academic and business considerations and not upon matters related to personal financial gain.*

It is important that the institution conduct the technology transfer process, including patenting, marketing, and licensing in a manner that supports the education, research, and public service missions of the institution over individual financial gain.

Because institutions and inventors may have the opportunity to influence institution business decisions in ways that could lead to personal gain or give advantage to associates or companies in which they have a financial interest, the institution and the inventor must comply with existing Board policy, institution policy and State law concerning such potential conflicts of interest. Under Board policy and State conflict of interest law, any institution employee or representative is prohibited from making, participating in making, or influencing an institution decision (including selection of licensees and other decisions made in the course of commercializing institution technology) in which they have a personal financial interest. Certain specific actions may be taken, however, consistent with Board policy, institution policy and State law, to allow participation in the licensing process by such inventors. An inventor's expectancy of receiving money or equity as inventor share under the institution Patent Policy is not a disqualifying financial interest.

For institutions who have a personal financial interest in potential licensees, this situation can be readily managed by having the invention case assigned for management to another institution without a financial interest. For inventors who have a personal financial interest in potential

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licensees, another individual with appropriate scientific and technical background may be able to carry out the duties and responsibilities typically handled by the inventor. In both cases, personal disqualification requirements would need to be satisfied under Board policy, institution policy and State law.

Institution inventors, however, may not be able to reasonably remove themselves from involvement in the process under disqualification requirements as their expertise and input may be essential to successful technology transfer. It may be necessary for the inventor to work closely with the institution and with potential licensees, or involve themselves in companies that are potential licensees, with the objective of commercializing institution inventions, even when they have a personal financial interest. It is in this context, when the inventor is involved in the process, that the selection of a licensee and other commercialization decisions may have the potential to raise concerns about conflicts of interest. Some inventor contributions to the licensing process are primarily technical advice and do not constitute "participation in" or "attempting to influence" a licensing decision under State conflict of interest law. They are called "ministerial." An action is ministerial, even if it requires considerable expertise and professional skill, if there is no discretion with respect to the outcome. Thus an inventor can provide technical or scientific information about an invention where necessary without being considered to be participating in a licensing decision. This exception, however, does not apply to technical tasks such as most data gathering or analysis in which the inventor makes professional judgments which can affect the ultimate decision in question.

Therefore, the institution and inventor(s) should discuss: i) the disqualification option; ii) an approach to and level of inventor involvement in the technology transfer process; iii) compliance with Board policy, institution policy and State law concerning potential conflicts of interest; and (iv) where helpful, these institution Licensing Guidelines.

In general, the role in the technology transfer process of any inventor who has a personal financial interest in a potential licensee should be kept to the minimum necessary to successfully achieve the institution's objectives in patenting, marketing, and licensing. When an inventor has a personal financial interest in a potential licensee and does not fully disqualify him or herself from involvement in the process, an independent substantive review (Licensing Decision Review - LDR) and recommendation concerning the licensee selection and other licensing decisions is required. Thus, both the institution and the inventor should understand that the extent to which the inventor is involved in the technology transfer process may be a factor in the considerations and ultimate recommendations of the LDR body. The LDR body, composed of one or more qualified individuals with appropriate expertise, knowledge and professional judgment, must independently check the original data and analysis upon which recommendations for the selection of licensees and for other licensing determinations were made by the institution and make its own independent recommendations concerning those decisions. The LDR may be performed by the a institution committee responsible for review and management of conflicts of interest; such committee, when undertaking an LDR, should have the expertise, knowledge and professional judgment required of the LDR body under these Guidelines.

The institution must ensure that disclosure and management of potential inventor conflicts of interest are handled in accordance with institution policy. By doing so, the institution can help ensure that the inventor may continue to participate in the technology development process while remaining in compliance with institution policies and State law in this area. Future issues may arise, such as an inventor's desire to bring technology back to the institution for further testing,

development, and purchase for use in the lab as the licensee further develops the technology. If the institution becomes aware of such issues, the institution should ensure that other institution officials impacted by such activities on the part of the inventor (e.g., procurement, C&G office, Conflict of Interest review board, etc.) are educated about the rationale and processes needed for a successful technology transfer program.

#### *9. Technology-specific Considerations*

The following guidance supports a general understanding of the objectives, practices and issues involved in the institution licensing program with respect to specific technologies. The licensing strategies described herein are not intended to be applied in an absolute or mechanical manner. Each licensing decision is unique and a matter of professional judgment. The institution's ALOs retain complete discretion in choosing the appropriate licensee and technology management strategy for its technologies.

##### *9.A. Research Tools*

In determining an appropriate licensing strategy for an invention that is used primarily as a research tool, the institution should analyze if further research, development and private investment are needed to realize this primary usefulness. If it is not, publication, deposition in an appropriate databank or repository, widespread non-exclusive licensing, or electing not to file a patent application may be the appropriate strategy. Where private sector involvement is necessary to assist in maintaining (including reproducing), and/or distributing the research tool, where further research and development are needed to realize the invention's usefulness as a research tool, or where a licensee has the ability to enhance the usefulness, usability, or distribution of the research tool, licenses should be crafted with the goal of ensuring widespread distribution of the final research tool to the research community. Any such license should also contain a provision preserving the institution's ability to continue to practice the licensed invention and allow other educational and non-profit institutions to do so for educational and research purposes. If carefully crafted, exclusive licensing of such an invention, such as to a distributor that will sell the tool or to a company that will invest in the development of a tool from the nascent invention, could support the institution's objectives.

One particular concern is royalties assessed on sales of products that are developed using (directly or indirectly) an institution invention that is a research tool ("reach-through" royalties), rather than assessed on products actually incorporating the institution invention. The institution should note that reach-through royalties may impede the scientific process or create unreasonable restrictions on research and therefore generally should be avoided. Licensing of research tools should encourage prompt and broad access through a streamlined process. For NIH-funded inventions, see the NIH "Principles and Guidelines for Recipients of NIH Research Grants and Contracts on Obtaining and Disseminating Biomedical Research Resources."

##### *9.B. Global Health*

While many of the licensing strategies discussed below are presented in the context of global health issues, such strategies are equally applicable to other current and future emerging technologies that can be used to support humanitarian efforts in underprivileged populations (e.g., clean water, sustainable sources of energy, food sources, etc.).

As innovative healthcare technologies are discovered and, after meeting extensive development and regulatory hurdles, introduced as publicly available therapeutic or diagnostic products, the ability of underprivileged populations to access and afford these technologies may be constrained by price or distribution. In particular, healthcare and agricultural products may not be readily accessible and affordable to the world's poorest people in developing countries and as a public institution striving to uphold its public benefit mission, the institution should consider such public benefit and broad societal needs when developing licensing strategies for such technologies.

Developing "successful practices" is an evolving process, particularly for an issue as complex as balancing access by developing countries to biomedical products with ensuring timely and appropriate development and commercialization of the product. Such practices demand creative and flexible rather than rigid approaches. Entirely new business models coupled with nuanced intellectual property management strategies may be needed to produce the desired outcomes. Each situation is unique and must be addressed based on its own fact pattern to encourage licensees to make the substantial and risky investment necessary to develop biomedical products. Without appropriate and timely investments, the healthcare technology may never be developed into a product, thus eliminating access by all patients. A prescriptive approach may discourage licensees because of a perceived need to overcome too many obstacles in product development. Institutions frequently need to balance conflicting objectives and must be able to make compromises in the interest of moving a technology forward.

As part of the institution's public benefit mission, the institution should carefully consider patenting and licensing strategies that promote access to essential medical and agricultural innovations in developing countries. Although a multitude of downstream factors may affect the accessibility and affordability of essential technologies in developing countries, e.g. healthcare infrastructure, poverty, food security, international treaties and laws, sanitation, energy, and political stability, it remains possible for the institution to impart a profound life- changing impact in the developing countries through humanitarian patenting and licensing strategies.

One patenting strategy that the institution and its licensee might pursue is to limit patent protection to those developed countries with a healthcare infrastructure that can afford the healthcare products and not seek patent protection in developing countries thereby allowing other manufacturers to freely practice the technology. Some examples of alternate licensing strategies to consider could be: (i) inclusion in a license agreement of mechanisms to allow third parties to create competition that affects or lowers prices in developing countries, create incentive mechanisms for widespread distribution of the licensed product, or reserve a right for the institution to license third parties under specific humanitarian circumstances, (ii) inclusion of license terms requiring mandatory sublicensing to generic or alternative manufacturers in a developing country or a program that requires the distribution of the healthcare product at low or no cost to underprivileged populations with assurance that the licensee will continue to develop, manufacture and distribute the product to all such populations; and (iii) inclusion of uniquely crafted diligence provisions or other creative pricing tied to the patient's ability to afford the technology that are consistent with sponsor's march-in rights provision (if applicable).

Financial terms for products that address diseases that disproportionately affect developing countries should, where possible, facilitate product availability in the country of need. At a minimum, the financial terms should recognize the low profitability of such products. The institution could also consider foregoing royalties on products distributed in such countries or

requiring the licensee to sublicense other companies if the licensee is unwilling to invest in the development of a product distribution network within that country.

To be most effective in promoting global health, the institution needs to pursue creativity and consider a wide variety of patenting and licensing strategies, since the most impactful approach in one situation may fail in others. Prescriptive guidelines dictating limited strategies could be particularly detrimental to achieving the institution's goals of public benefit. Creative patenting and licensing strategies addressing global health should focus on effectiveness and should aim to achieve the greatest impact worldwide.

#### *9.C. Software*

Because of the cross-over of software and other digital media between the patent and copyright policies, licensing of these technologies are less straight-forward than simple patent or copyright licenses. In addition, under institution Copyright Policy, an institution may have implemented procedures and supplementary local policies regarding licensure, disposition of royalty income, and other rights related to copyrights. As such, copyright licensing practices will vary from institution to institution.

#### *9.D. Diagnostics*

Licensing clinical diagnostics technologies, regardless of type (genetic or otherwise), should balance the need of the licensee to achieve a fair return on investment with the public's need to have the test as broadly available as possible, including enabling patients to obtain a second opinion by accessing the test from an alternative provider. Licenses should also reserve the right for the academic community to use the diagnostic for research purposes, including studying and independently validating the test and employing it to advance medical research. The institution will need to take into account that licensees can elect to commercialize the technology (i) as an FDA-approved kit sold to end-users, (ii) as a testing service business using an in-house Laboratory Developed Test (LDT) subject to the Clinical Laboratory Improvement Amendments (CLIA) of 1988 administered by the Centers for Medicare and Medicaid Services, or (iii) a sequential combination of (i) and (ii) whereby the licensee initially enters the market to generate near-term revenue with an LDT-based testing service and subsequently obtains market approval via the costlier and lengthier FDA review process to market a kit for sale. Licensors that have academic medical centers need to structure their licenses to take into account the needs of their own clinical laboratories to insure affordable access to the licensee's FDA-approved kit or to have the right to provide an LDT in their CLIA labs (either as a carve-out or an affordable sublicense from the licensee).

For markets that can reasonably support two diagnostics developers (e.g. melanoma), the institution should consider co-exclusive licensing. However, for more limited markets, in order to assure maximum availability and multiple sources, the institution might consider such approaches as (i) a time- limited exclusive license that automatically converts to a nonexclusive license after several years, or (ii) a license grant for the exclusive right to sell and a non-exclusive right to make and use the patented technology. In this way the licensor can be the sole provider of an FDA-approved kit while clinical labs that cannot afford the kit can still serve patient needs with their own LDTs.

Lastly it is important to appreciate that whereas a single-source provider of an FDA-approved kit provides patients with a uniform, consistent product, LDTs developed by different clinical labs



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(commercial and academic) may vary in performance quality and have different degrees of false-positive and false-negative results. Thus a given patient's diagnostic outcome could vary depending on which CLIA lab performs the test.

However, insuring test availability from more than one source can mitigate the variability from center-to-center.

*9.E. Genetic Resources/Traditional Knowledge*

Country laws or international treaties may influence licensing decisions where inventions are derived from genetic resources or traditional knowledge. The institution should investigate all project sponsored or collaborative research agreements, including material transfer agreements, to identify if any genetic resource or traditional knowledge was used in making the invention and if any specific requirements apply to the use of such resources. In some situations, the requirement may be attached to a collection permit or a visa document.

Even in the absence of such laws, treaties or contractual requirements, the institution should carefully consider biodiversity issues and negotiate individual agreements that recognize the origin or source of the material. Where possible, such agreements should consider benefit sharing arrangements with indigenous and custodial communities or governments in consideration for access to such biological material or traditional knowledge.

*9.F Emerging Technologies*

Over time, whole new fields of technology and innovation will emerge that will raise new issues for consideration. As with any emerging technology area, the evolution of "successful practices" will require careful and conscientious decisions that may vary from previously released guidance. The institution should thoughtfully consider how best to address these emerging issues so as to optimally manage institution-developed technologies for public benefit.

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