



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

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**APPROVED MINUTES  
STATE BOARD OF EDUCATION  
August 26, 2013  
Special Teleconference Meeting  
Boise, ID**

A special teleconference meeting of the State Board of Education was held August 26, 2013. It originated from the Board office in Boise Idaho. Board President Don Soltman presided and called the meeting to order at 9:00 a.m. A roll call of members was taken.

**Present:**

Don Soltman, President	Richard Westerberg
Rod Lewis, Secretary	Milford Terrell
Emma Atchley, Vice President	Tom Luna
Ken Edmunds	Bill Goesling

**BUSINESS AFFAIRD & HUMAN RESOURCES (BAHR) – Section II Finance**

**1. FY2015 Line Item Budget Requests**

**BOARD ACTION**

**M/S (Terrell/Atchley): To approve the Change in Employee Compensation and benefits fund shift line item category as the first priority for the College and Universities budget request as listed on Tab 1 page 5. The motion carried unanimously.**

**M/S (Terrell/Atchley): To approve the 60% line item category in the amount of \$13,985,400 as the second priority for the College and Universities budget request as listed on Tab 1 page 5. The motion carried unanimously.**

**M/S (Goesling/Atchley): To approve the University of Idaho's College of Law 2nd Year Curriculum line item in the amount of \$400,000 also as a second priority for the College and Universities budget request as listed on Tab 1 page 5. The substitute motion offered by Dr. Goesling carried five to three in favor of the motion. Mr. Edmunds, Mr. Lewis and Mr. Westerberg voted nay on the motion.**

**M/S (Terrell/Atchley): To approve the Occupancy Costs line item category in the amount of \$417,800 as the third priority for the College and Universities budget request as listed on Tab 1 page 5. The motion carried unanimously.**

**M/S (Terrell/Atchley): To approve the Higher Education Research Council line item category in the amount of \$400,000 as the first priority for the System-wide Needs budget request as listed on Tab 1 page 5. The motion carried unanimously.**

**M/S (Terrell/Atchley): To approve the Deferred Maintenance line item category in the amount of \$12,500,000 as the second priority for the System-wide Needs budget request as listed on Tab 1 page 5. The motion carried unanimously.**

Mr. Terrell introduced the items, indicating the BAHR committee met after the August Board meeting to discuss the FY 2015 line items in greater detail. As a result of their meeting, they made recommendations which Mr. Freeman summarized for the Board members. Mr. Freeman first reported that the agenda materials contained a typo in the six motions referring to “page 3” wherein it should have been “page 5”. The reference is to the worksheet page containing the line items and their numbers. Mr. Freeman reported the BAHR committee concluded in recommending the line items for the Legislature and Governor’s consideration, that the items should be grouped into categories. He recapped in priority order for the colleges and universities, the first category would be for CEC. The second priority was to address faculty and student support, the third priority would be for occupancy costs for new facilities at two of the institutions. Related to the College of Law second year for the University of Idaho, it was broken out into a separate line item for purposes of having its own pass or fail vote. Mr. Freeman pointed out that if the College of Law line item is approved, then it would be rolled up into the faculty and student support category.

With respect to System-wide Needs, which is a separate budget, staff recommends making the Higher Education Research Council the first priority. This totals \$400,000 and includes \$200,000 for the state match for the EPSCoR grant renewal, and \$200,000 in new additional funds for the Incubation Fund.

The second System-wide Needs priority would be \$12.5M for deferred maintenance. The request would be a lump sum amount; BAHR recommends allocation be based on need. Staff is working with the institutions to develop a uniform definition for “deferred maintenance” so the needs can be consistently quantified.

Dr. Goesling requested clarification on the line item requests presented at today’s meeting regarding the colleges and universities. Mr. Freeman indicated that Boise State University’s (BSU) request is the same. For Idaho State University (ISU) they revised their request to \$3.1 million to include STEM faculty, graduate assistance, and programs consistent with Complete College Idaho (CCI) plan remediation and bridge programs. For the University of Idaho (UI), their number includes \$1.6 million for key faculty lines on campus and \$1.2 million for their CCI plan.

Ms. Atchley clarified that discussion in the committee focused on the effort to bring a single amount to the Legislature and advocate for the colleges and universities as a whole. Mr. Lewis pointed out that the motion was not consistent with the chart referenced in the agenda materials and recommended some changes. Mr. Freeman indicated that to clarify the motion, they could reference the 60% goal as a category. There was discussion about the College of Law item. Ms. Atchley clarified that if the College of Law was approved, it would be a separate item and second tier priority. There was additional discussion about the table on page 5 of the agenda materials and Board members concluded the law school would be a separate line item.

Dr. Goesling directed attention to page 17 of the agenda materials related to BSU's student to faculty ratio. Mr. Freeman responded that they analyzed what BSU presented in terms of the student to faculty ratio and the understanding was that BSU is trying to move away from a heavy reliance on adjunct faculty. He added that the ratio was compared to IPEDS calculations, institution peers and Carnegie class categories. Mr. Terrell confirmed that the BAHR committee was comfortable with BSU's request. There was discussion concerning tenured track and lecturer faculty. Dr. Goesling recommended only having lecturer faculty on a semester by semester basis. Ms. Pearson commented for BSU that the breakdown after committee discussion was 54 new tenured track, 18 conversions of adjuncts to lecturers, 12 advisors, and 18 support professionals. Ms. Atchley reminded the Board members that the graduation rate needs to increase for BSU.

Mr. Lewis provided some comments regarding the College of Law motion, expressing that the legal market is such that additional funds should not be expended to add additional students into the law program. He felt that it would be more beneficial to move the law program entirely to Boise. He commented that in discussions with UI, it appeared they feel comfortable with the enrollment levels they are at, not necessarily intending to expand the size of the school. He indicated enrollment levels were down a bit over the last five years and they seem comfortable with the enrollments around 360 students. Mr. Lewis felt comfortable supporting the motion in the context that it is not increasing the overall student enrollment.

President Burnett responded by stating they are concerned about a cap on legal education. He indicated that if the cap is understood to be as to the law school's second year curriculum in Boise, they could make the 360 number work. He strongly urged the Board give the same discretion to the law program that other high quality programs have received. He added that the statistics on law students as reported by the Department of Labor and Statistics doesn't capture law students who do not move into a law profession. Mr. Lewis expressed concern about voting on a motion with caveats surrounding its intent.

Mr. Burnett reiterated their preference is not to have a cap on enrollment. If there is a cap, the 360 is a number that implies close to their average experience over the last five years. They believe the second year program will make the law school more attractive and competitive, and provide quality and access to students especially those considering special areas.

Ms. Atchley echoed the sentiment of Mr. Burnett, and felt adding a cap would be limiting to the university. Dr. Goesling responded with comments similar to Ms. Atchley indicating this sets a negative precedent to start recommending caps. Dr. Goesling asked if the regents can legally place a cap on enrollments in consideration of the constitutional obligations of the school. Ms. Jenifer Marcus, Deputy Attorney General for the Board office, responded that the regents have the constitutional obligation to govern the University of Idaho and in that course of action they can place whatever limits they need to in order to govern the university. Limiting the number of law students would not be viewed as unconstitutional. Dr. Goesling provided additional comments regarding the demand for law school students in Idaho. There was additional discussion related to the expansion of the law school in Boise and Mr. Lewis continued to express concern about having an over-supply of law students. He felt it would be difficult to get approval from the Legislature to fund growth in an over populated market. He felt the program would receive greater support if it were moved entirely to Boise.

Mr. Burnett commented that they are not proposing to move the law school and that they have a comparative advantage for students to offer it in both Moscow and Boise. Mr. Burnett expressed

that they are nowhere near saturating the legal education market and are presently focusing on quality and have been admitting only half of students applying to the school.

Mr. Westerberg commented with supporting remarks to Mr. Lewis' argument about expanding the law school. He too expressed concern about the amount of funding required to stand behind this motion and felt the funding may be best spent elsewhere in higher priority areas. At this time, Dr. Goesling offered a substitute motion related to the University of Idaho's College of Law 2nd Year Curriculum.

## **DEPARTMENT OF EDUCATION**

### 1. Temporary Rule Changes – IDAPA 08.02.02.016 – Rules Governing Uniformity

**M/S (Luna/Atchley): To approve the temporary rule amendments to Idaho Administrative Code IDAPA 08.02.02.016 Rules Governing Uniformity as submitted.** The motion carried unanimously.

Mr. Luna clarified that this motion is to correct the motion that was moved on at the August Board meeting where crucial wording was inadvertently omitted from the language. He indicated this rule clearly articulates that standards incorporated into the "Mathematical Thinking for Instruction" courses may be taught by all Idaho-approved preparation programs under a variety of course titles.

### 2. Temporary Rule – IDAPA 08.02.03.105 – Rules Governing Thoroughness, Graduation Requirement

**M/S (Luna/Atchley): To approve the temporary rule amendment to Idaho Administrative Code IDAPA 08.02.05.105 High School Graduation Requirements as submitted with the provision that the last sentence in 4.05 be un-struck and remain part of the rule.** The motion carried unanimously.

Mr. Luna indicated that this rule addresses some concerns that were brought forward in the proposed rule related to eleventh graders having the ability to waive certain requirements of the college entrance exam until twelfth grade. Mr. Luna identified the allowable exceptions for the eleventh graders.

Mr. Lewis asked for clarification on part of the original rule that was deleted and expressed a desire to keep the sentence in question as part of the rule. Ms. Bent clarified for the Board members what action the Board took at its meeting on August 15<sup>th</sup>; at that meeting, the motion un-struck the last sentence. By approving today's motion as submitted, the language is struck-out; thereby undoing what was done at the meeting in August. Mr. Lewis expressed concern about taking out the language of the motion. After further discussion about the struck language, Mr. Luna indicated he would amend the motion to un-strike the language in question.

### **Other Business:**

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

**M/S (Terrell/Atchley): To adjourn the meeting at 10:25 a.m.** The motion carried unanimously.