



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

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**APPROVED MINUTES  
STATE BOARD OF EDUCATION  
November 24, 2014  
Special Board Meeting  
Boise, ID**

A special meeting of the State Board of Education was held November 24, 2014. It originated at the State Board of Education's main office, large conference room, in Boise Idaho. Board President Emma Atchley presided and called the meeting to order at 2:00 p.m. MST. A roll call of members was taken.

**Present:**

Emma Atchley, President	Richard Westerberg
Rod Lewis, Vice President	Debbie Critchfield
Don Soltman, Secretary	Tom Luna
Bill Goesling	Rod Lewis (Joined at 2:07)

**Absent:**

David Hill

**BUSINESS AFFAIRS & HUMAN RESOURCES**

1. Boise State University – Litigation Request

**BOARD ACTION**

**M/S (Soltman/Goesling): To approve the request by Boise State University to initiate litigation pursuant to State Board Policy, Section V.W.2.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Freeman indicating that this is a request by Boise State University for approval for the authority to initiate litigation.

2. Boise State University – Research Foundation

**BOARD ACTION**

**M/S (Lewis/Critchfield): To approve the request by Boise State University to establish the Boise State University Research Foundation, to obtain a variance as outlined herein**

**pursuant to Board policy V.E.6, to enter into the proposed Operating Agreement, Loaned Employee Agreement and Administrative Support Services Agreement in substantial conformance with the documents attached hereto, and to approve an initial line of credit to the Research Foundation not to exceed \$75,000 consistent with the terms herein. A roll call vote was taken and the motion carried unanimously 7-0.**

Mr. Freeman introduced the item indicating it is a request from Boise State University (BSU) for approval to establish the Boise State University Research Foundation. Mr. Lewis asked for a review of the governance principles BSU is implementing and what position they believe it puts them in regarding liability and from an ability to own equity standpoint. Dr. Rudin, Vice President for Research and Economic Development from BSU, made a few comments about the research foundation derived from discussions at the Institutional Research and Student Affairs (IRSA) Committee. He indicated the overall purpose of establishing the Research Foundation will serve to support the university's work in the area of research and service, and specifically to help them facilitate the transfer of intellectual property (IP) to the private sector and to the option to own equity in the sector. He pointed out establishment of the Research Foundation would also help facilitate interaction with industry through sponsored programs, as well as facilitate being able to receive sponsored projects on behalf of the university. He felt it would also help add and expand ad hoc programs to community based programs.

Mr. Satterlee indicated that the university is setting up the Research Foundation as a separate nonprofit corporation (501(c)(3)) that will have a tax exempt status under IRS Code 509(a)(3). He pointed out that status allows the government to set up a public charity as a support foundation and allows them to have a different board of directors. Its board of seven, will be controlled by BSU and BSU's Vice President of Research will chair the Foundation; BSU's Vice President of Finance will serve as an *ex officio* member; and the president of BSU will appoint the two faculty or staff members who are not key administrators. Then, there will be three community members selected by those four BSU employees. Then, ongoing, the board will continue to appoint the three new members by majority vote. Mr. Satterlee added the University believes it is prudent to retain control over any organization that may ultimately hold its intellectual property. In addition, the Research Foundation will operate consistent with the role and mission of the University. Mr. Satterlee commented that with respect to the equity ownership, they believe this allows the separate corporation that is formed to be able to own an equity interest, and they believe what they have set up is sufficient and is the right format for BSU at this point in time.

Mr. Soltman asked if there any conflict of interest issues with the Research Foundation's board. Mr. Satterlee responded they do not feel there is any conflict of interest. He added there will be a conflict of interest policy and a code of ethics in place. Dr. Goesling asked about the university's loaned employee concept. Mr. Satterlee responded the intent is the same as the loaned employees with other foundations pursuant to Board policy.

Mr. Lewis commented that this type of foundation is created for purposes of dissemination and handling of IP of the university, and is an entity where the university will have the ability to control its IP. He felt it important to not confuse this Research Foundation with the goals and purposes of financial oriented foundations, and was supporting of the Research Foundation.

## **PLANNING, POLICY AND GOVERNMENTAL AFFAIRS (PPGA)**

1. Pending Rule Docket 08-0111-1401 – Proprietary Postsecondary Institution Registration

**BOARD ACTION**

**M/S (Westerberg/Critchfield): To approve the Pending Rule Docket 08.-0111-1401 as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Westerberg indicated this rule has been before the Board previously, and has received no comments during the public comment period. No changes are being made between the proposed and pending states of the rule.

2. Pending Rule – Docket No. 08-0201-1401 – Qualified Trainer Criteria

**BOARD ACTION**

**M/S (Westerberg/Goesling): To approve Pending Rule Docket 08-0201-1401 as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Westerberg indicated this rule has been before the Board previously, and has received no comments during the public comment period. No changes are being made between the proposed and pending states of the rule.

3. Pending Rule – Docket No. 08-0501-1401 – Seed Certification

**BOARD ACTION**

**M/S (Westerberg/Soltman): To approve the Temporary and Pending Rule Docket 08-0501-1401 as presented in Attachment 1.** A roll call vote was taken and the motion carried 6-0. Ms. Atchley abstained from voting.

Mr. Westerberg indicated this rule has been before the Board previously, and has received no comments during the public comment period. No changes are being made between the proposed and pending states of the rule.

4. Pending Rule – Docket No. 55-0104-1404 – Quality Agriculture Program Grants

**BOARD ACTION**

**M/S (Westerberg/Goesling): To approve the Pending Rule Docket 55-0104-1401, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants as submitted in Attachment 1.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Westerberg indicated this rule has been before the Board previously, and has received no comments during the public comment period. No changes are being made between the proposed and pending states of the rule.

**DEPARTMENT OF EDUCATION**

1. Pending Rule - Docket No. 08-0201-1402 - Special Education Funding

## BOARD ACTION

**M/S (Luna/Critchfield): To approve the Pending Rule, Docket No. 08-0201-1402, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna pointed out this a pending rule that outlines the formula for reimbursement of school districts for Exceptional Child Support Units. There was one comment received and no changes are being made between the proposed and pending states of the rule.

2. Pending Rule - Docket No. 08-0202-1402 – Documents Incorporated by Reference – Idaho Standards for Initial Certification/Idaho Standards for Operating Driver Education Programs

## BOARD ACTION

**M/S (Luna/Soltman): To approve the Pending Rule - Docket No. 08-0202-1402, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna pointed out this a pending rule that deals with the Professional Standards Commission of annually who annually reviews 20% of the Idaho Standards for Initial Certification of Professional School Personnel. There were three comments received and no changes are being made between the proposed and pending states of the rule.

3. Pending Rule – Docket No. 08-0202-1403 – Endorsements

## BOARD ACTION

**M/S (Luna/Goesling): To approve the Pending Rule - Docket No. 08-0202-1403, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna indicated this is a pending rule which focuses on the endorsements that have been reviewed by committees of content experts, specifically School Counselor, Special Education Blind & Visually Impaired, and Special Education Hearing Impaired. The revised standards were approved by the Board at the August 2014 Board meeting. The Professional Standards Commission recommended approval of all the committee's proposed endorsement revisions. Five comments were received during the comment period. No changes were made to the rule between the proposed and pending rule stages.

Ms. Willits pointed out to the Board members that the standards were approved and what the Board is approving today is the associated endorsements.

Mr. Lewis asked about the deletion of the supervisor for special education endorsement. Ms. Willits responded it was deleted because it is not offered by any higher education institution in Idaho. Ms. Atchley asked what if they come from out of state with that degree. Ms. Willits responded they would not be able to obtain that endorsement in the state of Idaho because it doesn't exist in the state of Idaho, and they would not be able to get it renewed in Idaho.

4. Pending Rule – Docket No. 08-0202-1404 - Educator Evaluations

## BOARD ACTION

**M/S (Luna/Goesling): To approve Pending Rule - Docket No. 08-0202-1404, with the following amendments: to change the word “include” to the word “are” and in sections 02 and 04.d., remove “situations such as” and the word “etc.”** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna indicated this pending rule did receive some comments that initiated a change between the proposed and pending rule stage. He clarified the only change from the proposed to the pending rule is the word “contracted” is being removed from the rule.

Ms. Atchley asked if this rule conforms to the rule adopted in the Tiered Licensure arena. Mr. Luna responded this brings this rule into conformity with the others.

Mr. Lewis felt it was unclear on who can make the evaluation and asked if anyone can make the evaluation under this rule. Mr. Luna responded the intent is district leadership. Mr. Luna suggested replacing the word “include” with the word “are”, to read *those responsible for measuring “are” district leadership such as . . .*. Mr. Lewis agreed with that recommendation.

Mr. Lewis also asked about Tab 4, page 5, Section 05.d. *Sources of Data*, indicating the change is not clear as to what the exception is under this rule. Mr. Lewis suggested insertion of additional guiding words. Ms. Willits recommended rewording the section with *“in situations where certificated personnel are unavailable for two (2) documented classroom observations due to long term illness or late year hire”* and remove the word “etc.” because of its vagueness. That edit was agreeable to Mr. Lewis. Ms. Willits pointed out there are two sections where there are identical words where the change needs to be incorporated, sections 02 and 04.b.

### 5. Pending Rule – Docket No. 08-0203-1401 - Graduation Requirement

## BOARD ACTION

**M/S (Luna/Westerberg): To approve the amended Pending Rule - Docket No. 08-0203-1401, striking the words “after usage” in subsection 06.f.; inserting the language in subsections g. with “students who graduate in 2019 are required to pass the ISAT in grade eleven in mathematics and English language usage at a proficiency level set by the State Board of Education”; striking subsection i and inserting “students who graduate in 2019 will be required to pass an end of course assessment in science at a proficiency level set by the State Board of Education”.** A roll call vote was taken and the motion carried unanimously 7-0.

**M/S (Soltman/Critchfield): To postpone SDE item number 5 until after the other items on the agenda are considered.** The motion carried unanimously 7-0.

Ms. Willits reminded the Board that this section of rule is dynamic and changes to it are not uncommon. She reviewed the changes to the three major sections of the rule that were made between the proposed and pending stages of the rule. The first change was a requirement in proficiency where at the request of the Legislature, the substitution clause for one credit of physical education for graduation is clarified. More specifically, students must show mastery of the content standards for physical education in a format provided by the school district. Ms. Willits provided an example for illustrative purposes.

Ms. Willits indicated two other changes deal with assessments where the class of 2017 and 2018 are required to complete the Idaho Standards Achievement Test (ISAT). As Idaho continues to transition to higher standards, its graduation requirement must be retooled and phased in over time.

Ms. Willits reported that presently, Federal law requires the ISAT in science to be taken in grades 5, 7, and 10. The state Department of Education (Department) decided that Idaho would have end of course assessments in biology and chemistry for the graduation requirement instead of 10<sup>th</sup> grade science, so the student could take the assessment at any time upon completion of biology or chemistry whether it be in the 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, or 10<sup>th</sup> grade. She did point out this is in alignment with standards.

Mr. Lewis asked about the overall intent of the rule, particularly the section on proficiency. Mr. Luna responded it is a transition to higher standards and assessment that takes at least two iterations to measure and assess growth. He clarified once the data is in hand, the graduation requirements will be set by the state Board. Mr. Lewis wondered about an alternative graduation plan as designed by the district where the Board would set the proficiency levels by a certain time. Mr. Luna responded he is not opposed to that suggestion. Mr. Lewis felt the Board was being asked to endorse no proficiency requirements. Mr. Luna responded by suggesting to add some words to the language making it more specific. Ms. Willits interjected some suggestions regarding students who graduate in 2019 that will help with clarification going forward regardless of who is on the Board and who the state Superintendent.

Ms. Critchfield asked about the initial ISAT implementation. Ms. Willits responded that with the previous testing there was at least two years of data available. Ms. Willits indicated going forward there will be time to see the growth pattern in the data with the class of 2019. There was additional discussion related to graduation requirements. Mr. Luna questioned whether the Board would like to do the same thing with end of course (EOC) assessments for the class of 2019 where the students would be required to take them and pass them at a level set by the state Board after test data is available. There was additional discussion about the science requirements. Ms. Willits pointed out there is no graduation requirement tied to science presently. She indicated they would like to tie a requirement to standards specific in either biology or chemistry. Ms. Bent reported on the credit requirements for science.

Mr. Luna remarked that based on the discussion, the motion should be amended with changes that specifically say that students of the class of 2019 are required to pass the ISAT in grade 11 in mathematics and English language usage at a level set by the state Board; and to strike some language in “f” and “l” under *Proficiency*; and add language to say that students who graduate in the class of 2019 are required to pass an EOC assessment in either biology or chemistry at a level set by the state Board.

There was considerable discussion regarding science requirements. Mr. Lewis was troubled by students needing to meet science requirements through only biology or chemistry, and asked if the Department is working on other areas of assessment. Ms. Willits responded on what the standards are, which included earth science, physical science, biology and chemistry, and indicated next year they will revise the standards again. Ms. Atchley was concerned about the gap in the science assessments between now and when they are revised and questioned how to address it. Ms. Willits pointed out there is a progression to the assessments and there is time to develop the EOCs.

At this time during the meeting, a motion to postpone this item until after the remainder of the agenda items are considered carried unanimously.

When the agenda returned to this item, there was additional discussion about the science requirements, and the subsection numbering of the revisions in the rule. Mr. Luna recommended the following language for subsection I, "The State Department of Education shall develop end of course assessments for earth science and physical science tied to the state content standards by the Fall of 2018." Ms. Bent pointed out the standards are located in a different section of rule and emphasized the difficulty of adding to the graduation requirements; that it confuses the rule. Additionally, that it is a substantive change that has not gone to public comment. After discussion, the group concluded that there was not a need for end of course assessments for earth science and physical science, and agreed to strike through and eliminate subsection I. They felt they could address the issue when the end of course assessments are developed and reviewed at a later date. Dr. Rush recommended the Department create end of course assessments in "advanced sciences" to encompass the science area. The Board members agreed with that suggestion.

After further discussion, Ms. Willits pointed out that the science standards will be reviewed in the next year; and the decision to leave the language regarding biology and chemistry as stated was agreed upon. As a point of clarification Dr. Rush reminded the Board that the standards in science are on schedule to be reviewed and the new strategy for teaching science is not "*biology, chemistry, physics*"; it is an integrated science based on competencies and outcomes. He pointed out that after the standards review, we may be looking at a different environment in terms of how science is being taught and offered.

Mr. Luna recommended revisions to subsection "k" to state "Students who graduate in 2019 will be required to pass an end of course assessment in biology or chemistry at a proficiency level set by the Board of Education". The Board members agreed on that change. Additionally, Mr. Luna recommended changing subsection "g" to state "Students who graduate in 2019 are required to pass the ISAT in grade eleven in mathematics and English language usage at a proficiency level set by the State Board of Education." The Board members agreed on that change as well.

Mr. Lewis asked if other changes included taking the graduation requirements to the Algebra II level. Ms. Willits responded that the Common Core Standards for grade 11 are Algebra II which is what's determined to be college and career ready. Mr. Lewis recommended adopting Algebra II as a minimum graduation requirement in Math and expressed great concern about Idaho's graduation requirements for math, expressing that Idaho is behind the times right now.

After the re-reading of the amended rule, Mr. Westerberg expressed that he was satisfied with the changes that were made to the pending rule, but not comfortable with the process used to get there. He expressed that this level of change should have been provided in the proposed rule.

#### 6. Pending Rule – Docket No. 08-0203-1402 – Accountability

### **BOARD ACTION**

**M/S (Luna/Soltman): To approve the Pending Rule – Docket No. 08-0203-1402, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna indicated this item deals with Limited English Proficiency (LEP) allowing districts to have a uniform definition of LEP students. There were no changes between the proposed and pending rule stages.

7. Pending Rule – Docket No. 08-0203-1403 – Assessment

## **BOARD ACTION**

**M/S (Luna/Goesling): To approve the Pending Rule - Docket No. 08-0203-1403 - Assessment, as submitted.** A roll call vote was taken and the motion passed unanimously 7-0.

**M/S (Luna/Soltman): To amend the motion to include changing the wording in Section 06.n. to remove the words “who complete biology or chemistry as required to take” and add the words “in science”.** A roll call vote was taken and the motion passed unanimously 7-0.

Mr. Luna indicated this item also deals with accommodations/adaptations for LEP students to reflect the designated supports and accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines. If approved, districts will have a uniform definition for LEP students. He pointed out that following the public comment period, there were minor changes made to the rule.

Mr. Soltman asked about the end of course assessment for biology and chemistry and wanted to make sure it conforms to the changes in SDE agenda item 5. Mr. Luna acknowledged and Ms. Willits recommended editing Section 06.n. to say students are required to take an end of course assessment in science provided by the state and administered by the district.

8. Pending Rule – Docket No. 08-0203-1404 - Physical Education and Professional-Technical Education

## **BOARD ACTION**

**M/S (Luna/Soltman): To approve the Pending Rule - Docket No. 08-0203-1404 – Other Required Instruction, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna pointed out this pending rule is specific to physical education and professional-technical education and approval will reinstate the requirement that high schools offer physical education and professional-technical education and clarify that the learning plans created in middle school and junior high must be reviewed annually throughout the students' high school experience. There four comments received and no changes have been made between the proposed and pending rule stages.

9. Pending Rule and Amendment of Temporary Rule Docket No. 08-0203-1406-Student Data System



## BOARD ACTION

**M/S (Luna/Critchfield): To approve the amendment to the Temporary Rule and Pending Rule - Docket No. 08-0203-1406, as submitted.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna pointed out that this rule deals with student data. In August, the Board approved incorporating additional data elements into the Statewide Longitudinal Data System (SLDS). The new data elements will provide the information necessary to accurately identify students, staff and educational institutions participating in various programs offered by the Idaho State Department of Education. Two comments were received and the only change to the rule between proposed and pending status is to the list of data elements to include elements that were not approved in August. Dr. Rush pointed out there is a Data Management Council that is actively involved in monitoring data issues.

10. Appointment of 30 Members to the Bias and Sensitivity Committee

## BOARD ACTION

**M/S (Luna/Goesling): To appoint the thirty (30) committee members listed on Attachment 1, to the Bias and Sensitivity Committee representing Regions 1 – 6 for a two (2) or four (4) year term as specified in Attachment 1.** A roll call vote was taken and the motion carried unanimously 7-0.

**M/S (Luna/Soltman): To appoint the list of ninety (90) individuals listed in Attachment 2 and the thirty (30) individuals listed on the Alternate List provided in Attachment 3, as supplemental members of the Bias and Sensitivity Committee for one time only to do the initial review, representing Region 1 – 6, effective immediately and ending December 31, 2014.** A roll call vote was taken and the motion carried unanimously 7-0.

Mr. Luna indicated this item deals with the Bias and Sensitivity Committee and last year the passed a law requiring that a 30 member review committee consisting of parents, teachers, and administrators representing public and charter schools in all six (6) education regions of the state be formed to review items on the new ISAT assessment which may reach 40,000 items. In order to comply with the law, the committee has been expanded to 120 members with a number of alternates identified. The additional 90 members will serve on a temporary basis for the initial assessment items review and will not participate beyond the initial item review. The Department of Education will bring the members to Boise from December 15-18, 2014 to complete the review of test items.

## OTHER BUSINESS

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

**M/S (Westerberg/Goesling): To adjourn the meeting at 4:47p.m.** The motion carried unanimously 7-0.